HOUSE OF REPRESENTATIVES—*Friday, October 2, 1992*

The House met at 9:30 a.m.

The Reverend Monsignor Michael J. Bransfield, director, Basilica of the National Shrine of the Immaculate Conception, Washington, DC, offered the following prayer:

Let us place ourselves within the presence of God. We pray, Lord, that You will give us the strength to influence our world with Your grace and You in mind. We ask, Lord, for greater insights and strong convictions to do what is right and avoid evil in our own lives. We hope, Lord, that we will be instruments in Your hand and to bring harmony and peace in our homes and on our streets. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WISE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive up to 15 requests on each side for 1-minute statements.

PASS CAMPAIGN FINANCE REFORM SO THE VOICE OF THE PEOPLE CAN BE HEARD

(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, tons of newsprint and gallons of ink will be spread on the record trying to explain the Perot phenomenon. Let me try one explanation of my own.

I think that Mr. Perot represents millions of Americans who feel that Government does not represent them, does not hear their pleas, and does not answer those pleas, because of static created by large political action committees and large special interests.

I would refer to a Federal Election Commission report of last month analyzing the first 18 months of the 1992 election cycle; $103 million has been donated by political action committees to candidates; 90 percent of that, over $90 million, has gone to incumbents. In my case I do not take political action funds, and I find that that promotes a very strong grassroots effort.

Let me say that if Mr. Perot rearranges the chairs in a way that the President loses in November, I think that the President's very unwise and unnecessary veto of the campaign finance reform bill will be at the heart of it. I believe, furthermore, if we can pass campaign finance reform, then I think those millions of Americans will believe again that their Government represents them.

FAREWELL ADDRESS OF MEMBER TO HIS COLLEAGUES

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

Mr. ALLEN. Mr. Speaker, when I came to this House 11 months ago, I came with a mission: To fight for the working taxpayers of Virginia and the Nation.

And when I held up my hand to take the oath of office, I brought with me a set of principles to guide my goals, ideas, and plans for my service here. I held no grand illusions as to how this body operates and certainly knew that there was much room for improvement. Indeed, a basic tenet of my campaign was the need for a change in the way Congress operates.

Sadly, the operation of the Federal Government is worse than I had anticipated. This House and the Federal Government continues to lack proper discipline and accountability. Congress must change the way it operates and learn to say "no" to excessive spending and incessant meddling into prerogatives of the States and the people.

While I have had the privilege of presenting my ideas and the ideas of Virginians to this body, I regret that there was not time to accomplish more. Thanks to redistricting, I was not able to seek reelection, Mr. Speaker. But the fact that I will not be here on January 3, 1993 does not alter my belief that the fight must continue. Ideas are far more important than any individual.

As I delivered my maiden speech to the House, I quoted Thomas Jefferson and a passage from his 1801 Inaugural Address: "Government should not take from the mouths of labor the bread it has earned," he said.

Not only does this Government have an appetite for the hard earned wages of our workers, it continues to spend far more than the enormous amount of revenue it takes in. Indeed, the greatest scandal in our Government was not the House bank. Instead, it is uncontrolled deficit spending. We need a constitutionally required balanced budget and line-item veto authority for the President so that we do not load future generations with perpetual debt. This is not merely a political issue, as you and the majority party have treated it, Mr. Speaker. It is an issue which requires immediate action and I urge you and my colleagues to make tough decisions about reducing wasteful spending and cutting the deficit before it is too late. While I know that when some of us who vote against appropriations bills which increase spending are chastised, we must muster a majority to take a stand and not be bought by a trinket or two included for our own district.

As you reduce the burden on working taxpayers, so should the Congress cut the number of regulations imposed on businesses which provide jobs for our citizens. We need to give people an incentive to invest. We can have a country whose prosperity knows no bounds, if only we are brave enough to allow that opportunity for prosperity to occur. Employers must not be enslaved by the shackles of oppressive taxation, Government interference and overregulation. And to remind Congress what the real, human impact is of this type of nannyism, Congress must have the courage to subject themselves to—and not exempt themselves from—the laws and regulations they impose on individuals and businesses.

While Congress is in the process of internal reform, it must make a number of other changes as well. The number of legislative select committees, which are nothing more than costly window dressing gimmicks, should be reduced and eliminated. Standing committees with similar jurisdictions should be merged to cut costs. Frivolous congressional perks and privileges must end and Members, as leaders, should not become entrenched, out of touch Representatives. A set time limit for Congress to meet should be established with a permanent adjournment date. And pay should be withheld from Congressmen if the budget is not enacted on time.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Most importantly, Members ought to spend more time in their districts, listening to the real concerns of their constituents. And, at the same time, Members should communicate with and inform constituents about the issues and questions facing Congress. There is no way our leaders can have all of the answers, Mr. Speaker. But I have found that my constituents have a tremendous amount of knowledge, wisdom, and ideas to share about how their Government should operate. Their guidance has been critical to my decisionmaking process while I have served here.

Mr. Speaker, I have had a rare opportunity this year—one that only a few Americans have known. When I was sworn in last November, I said that I stood before my colleagues with great honor and with a tremendous sense of duty to the people of the Seventh District of Virginia. And so it has been.

But I also said that I did not intend to be a stump and would roll up my sleeves and get right to work. Even though my time here was short, I can truthfully say that I don't think I disappointed too many of my colleagues after that speech. I have tried hard to do my duty for my constituents in Virginia with the same energy and dedication which they expect and which they well deserve.

The same commitment and determination which burned in me when I decided to run for Congress still burns in me today. I expect to continue my work, not to reinvent Government, but to return to the purposes for which the Government was created by the people: to protect life, liberty and property, and not to be an oppressive enemy or meddlesome nanny.

And I know that this same commitment and determination still burns in many of my friends and colleagues who will return next year and hopefully in some of the new Members who will come in with them. We are outnumbered now. But to those warriors who, in the months and years ahead, want to, and have the ability to, change the direction of our country and this Congress for the better, I offer two words of encouragement: "keep fighting."

A NATIONAL HEALTH CARE PLAN TO KEEP AMERICANS WORKING

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

Mr. WISE. Mr. Speaker, the House is going to adjourn for good in a few days. My greatest regret is that Congress and the President have not yet acted on a national health care plan.

Several months ago I presented the case of the McPeak family in the eastern panhandle of West Virginia and the difficulties they were having in trying to get treatment for their two sons, Anthony and Thomas, both of whom have hemophilia. I reported to the Members that both parents were working but neither could get insurance. Let me give an update on what has happened with the McPeaks.

Today neither one is working. One son needs an operation. The treatments cost as much as $900 a day for one of the boys, so they did the only thing they know how to do, which was to go on public assistance so they could get a medical card. That is what they have come to.

Since that time, trying to meet their medical obligations, they have lost their home, their truck has been repossessed, and they are now seeking bankruptcy.

Mr. Speaker, when does this country recognize the need for affordable access to health care for everyone? I hope as this Congress adjourns and when it comes back in January the McPeaks will be on all of our minds, and the 60,000 West Virginians who signed petitions urging that this Congress act; that it will remember the McPeaks and vow that their travail, their anguish, hopefully will be addressed soon.

MAKING IN ORDER ON SATURDAY, OCTOBER 3, 1992, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT, AMENDMENTS IN DISAGREEMENT, AND MOTIONS TO H.R. 5677, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause (2) of rule XXVIII, that it be in order at any time on Saturday, October 3, 1992, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, to the bill H.R. 5677, 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, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee on conference to dispose of amendments in disagreement be considered as read when called up for consideration.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

BAD DECISION IN THE MIDDLE OF THE NIGHT

(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, in the middle of the night on Wednesday conferees made a bad decision—they chose expediency over efficiency. In my view, this decision was made in the interest of bringing an energy bill—any energy bill—to the floor for a vote before we leave town. The House bill included language banning future oil drilling in the eastern Gulf of Mexico until the year 2002. This language was designed to create a decade-long cushion to rationally study the need, the risks and the alternatives involved with drilling for oil in that region. That makes infinitely more sense than the annual scramble under current law to postpone drilling for at least 1 more year. The current system makes no one happy—it is uncertain and it is expensive and it focuses our energies on short-term plans rather than a much-needed long-term approach. Instead, the conferees, caught up in the rush to adjourn, allowed election-year anxiety to win out over the wise management of our natural coastal resources. Ignoring the challenge doesn't make it go away. Would it not make more sense to take the time to do this right the first time, so we would not have to come back and do it again?

A ONE-ISSUE CAMPAIGN: JOBS FOR AMERICAN WORKERS

(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, Bush is quoting Truman, Clinton is quoting Kennedy, and Perot is quoting Perot. The problems in America have really produced this carnival. Think about it. After 40 years of sending American jobs overseas, America is bankrupt. In fact, I predict the next President will preside over an official depression.

America was once known for steel and automobiles. Now America is known for hamburgers and junk bonds. There is but one issue in this campaign. It is jobs for American workers. The White House is not going to create any new jobs by blasting Arsenio Hall. I think they should look at the policies, and Clinton, Bush, and Perot should all start thinking about jobs for Americans.

INTRODUCING THE AMERICAN CONSUMERS HEALTH CARE REFORM ACT

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

Mr. GEKAS. Mr. Speaker, today I am introducing the American Consumers Health Care Reform Act, my own version of what we ought to do to attack the massive problems of health care in our country. This comes as a direct result of being in touch with the people back home. First, a questionnaire that we circulated to all our constituents through the procedure that we have established indicates that a substantial majority of our constituents oppose the Federal Government taking over and imposing its will on a national health care system. That is an important point.

□ 0940

Second, the concerns expressed in that questionnaire and in seminars that we held thoughout the district indicate concern about primary care physicians and the lack thereof. We address that in this bill.

About Medicaid and where it reaches and how it reaches the people who need care the most, we address that in this bill. And malpractice costs, and all of the other problems that we have seen that have affected our ability to meet our health care problems in this country.

The American Consumers' Health Care Reform Act will go a long way in the debate that is to come next year in providing a new system.

EXTENDING UNEMPLOYMENT BENEFITS

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

Mr. DOWNEY. Mr. Speaker, the unemployment numbers today offer cold comfort to the tens of thousands of workers in the United States, and especially on Long Island who are out of work and are in the process of exhausting their unemployment insurance. The reality is that with today's unemployment numbers there are fewer people working in the private sector than ever before, cold comfort to a President who has ignored the problem of jobless Americans for too long.

But, Mr. Speaker, we have the opportunity in the waning days of this session to do something for the people who are exhausting their unemployment benefits. I have introduced legislation that would extend their benefits for 13 additional weeks. We need to do that because those folks have no other alternative but to either go on welfare or collect cans along the side of the road to keep their families together.

We have the time in the next couple of days. What we need is the political will and the wisdom to help these people by extending their benefits for 13 additional weeks.

TAXING RIDICULOUSLY HIGH SALARIES

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

Mr. DUNCAN. Mr. Speaker, when I was growing up, I was batboy for several years for the Knoxville Smokies minor league baseball team.

I sold programs, and popcorn, and cokes at the University of Tennessee football and basketball games, and programs at the Knoxville Knights hockey games.

I was a big sports fan, and still am.

However I thought it had gotten ridiculous—even sickening—to read about baseball players being paid $5 and $6 million a season.

Now, though, things have really gotten out of whack.

Magic Johnson yesterday signed a one-season contract for $14.6 million—to play basketball.

Nobody can earn, or really deserve, that kind of money.

And when we are paying it to someone to play a game, well I think that is just pitiful.

I feel sorry for anyone who has a serious illness, and I have nothing against Mr. Johnson personally.

But something bad is wrong when a basketball player is given over $14 million for one season, and most men and women work hard all year long and are lucky to earn even $1 million in their entire lives.

I have been a strong opponent of higher taxes for many reasons—but I think the time has come to lower the taxes on the middle class and place a greater burden on those athletes, movie stars, and CEO's who earn such ridiculously high salaries.

ADMINISTRATION AID TO SADDAM HUSSEIN

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

Mr. GEJDENSON. Mr. Speaker, some of our colleagues in the other body are uneasy with AL GORE'S historical review of the administration's failures in dealing with Saddam Hussein and coddling Saddam Hussein and aiding and abetting his military buildup and giving him the $5 billion in loan guarantees that helped Saddam build his army and invade Kuwait.

Mr. Speaker, if my colleagues in the other body are uneasy with AL GORE'S accurate review of history, maybe they should call on the administration to declassify April Glaspie's cables and discussions with Saddam Hussein. If the administration feels that they sent Saddam Hussein a message weeks before the invasion, let them show the American people. Declassify the cables from April Glaspie and tell the American people what was said to Saddam Hussein as he moved on Kuwait.

CAN WE AFFORD THE DEMOCRATS?

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

Mr. BALLENGER. Mr. Speaker, can America afford the Democrats?

The last time the Democrats controlled both the Congress and the Presidency, the answer was no.

You remember the malaise of the late seventies with Jimmie Carter. Taxes went up, inflation went up, unemployment went up, and our economy went down.

If Bill Clinton wins in November, this is what the Democrats have already promised to give the American people: Higher taxes, mandated leave, and socialized health care.

Who knows what other tricks they might have up their sleeve?

Mr. Speaker, history teaches us that the Democrats' radical agenda will destroy small- and medium-sized businesses. It will increase the presence of the Federal Government in our lives. And it will kill our competitive edge.

In November, the American people should remember this fact. While their rhetoric is nice, we simply cannot afford the Democrats.

AMERICAN HEALTH CARE ACCESS AND IMPROVEMENTS ACT OF 1992

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

Mr. NICHOLS. Mr. Speaker, although America has the best health care system in the world, it is also the most expensive. We must find a way to preserve the quality of our system while making it more affordable to the poor, and more accessible to people in rural areas such as some parts of the Fifth District.

There is now a proposal that will both preserve the quality of our current health care and make it accessible to more people. It is called the American Health Care Access and Improvements Act of 1992.

The best part of the bill is that it will not add to the national debt. Yet, it will make it possible for all Americans to have basic health insurance and coverage against a catastrophe.

This bill incorporates several provisions already introduced and several new provisions, making it one of the most comprehensive reform bills in existence.

This bill will reform medical malpractice laws; it will increase the self-employed health care deduction to 100 percent; and it will standardize claims forms. These steps alone will hold costs

down enormously—in the billions of dollars. As a cosponsor of this bill, I urge you to support it.

INTRODUCTION OF WELFARE EMPLOYMENT AND FLEXIBILITY AMENDMENTS OF 1992

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

Mr. SHAW. Mr. Speaker, I am pleased to introduce the Welfare Employment and Flexibility Amendments of 1992. This is one of four welfare reform bills I and several of my colleagues will introduce today that were authored by President Bush, and which represent important steps we could take right now to help reduce welfare dependency and improve opportunities for those on assistance.

This first bill promotes work among families on welfare. It will expand the ability of States to involve AFDC recipients in workfare programs that require work to be performed as a condition of receiving assistance; it will allow States to expand emphasis on job search in their welfare-to-work programs, and finally, it will improve child support enforcement by requiring AFDC parents to provide all information necessary for establishing paternity of their children.

Mr. Speaker, these changes get at the heart of real welfare reform: Finding ways to get welfare families into the working world. President Bush has put together an excellent collection of proposals here, and we would do well to adopt these changes a soon as possible.

OVERREGULATION AND LACK OF INCENTIVES FOR SMALL BUSINESS

(Mr. THOMAS of Wyoming asked and was given permission to address the House.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to talk about problems that have plagued our country for far too long—overregulation and lack of incentives for small businesses. Small businesses provide the backbone for our Nation's economy; overregulation has had a devastating effect on the competitiveness of the American private sector. Our role should be to create an environment conducive to competition in a global economy—one balancing regulation and free market forces.

In trying to solve some of this Nation's social problems, Government has too often mandated solutions which unfairly burden small businesses. What this body must realize is that if the private sector gets back on its feet, many of our other problems will take care of themselves. In fact, the best solution to many of these problems is quality job opportunities. We cannot solve the problems that persist in our country—the deficit, the economy, et cetera—without having a healthy private sector.

Another way to facilitate the growth of American small businesses is to create incentives to train and educate our work force. A fundamental need exists for this investment; more incentives of this nature are necessary in order for the private sector to compete in the emerging global economy.

Unfortunately, some in Congress have done just the opposite; they have tried to solve the Nation's problems at the expense of small businesses. Government must mend its ways; the results speak for themselves. America wants and needs a fundamental change of direction and it is our job to provide it.

H.R. 5096, ANTITRUST REFORM ACT OF 1992

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

Mr. BILIRAKIS. Mr. Speaker, I rise today in the hopes of encouraging the House to avoid what I believe would be a serious misjudgment.

I am speaking of the possibility that H.R. 5096, the Antitrust Reform Act, might be considered in this Chamber during the few remaining days in this 102d Congress.

As anyone who has had the opportunity to review the legislation in question can attest—H.R. 5096 is far from a simple bill. Issues contained in the legislation involve not only the historical precedents of the modified final judgment and the subsequent review of this judgment by Judge Green—but indeed—the future of telecommunications policy in this country.

The Energy and Commerce Committee—on which I serve has taken thousands of hours of testimony regarding the subject of this legislation. We have reviewed several bills to modify the MFJ and substantively affect competitive relationships. This effort can and must continue.

If we rush H.R. 5096 to the floor in the waning hours of the 102d Congress, I believe we do a serious disservice to this institution. Without a companion Senate bill, this action will probably not result in new law, but serve only vested political interests. Our Nation deserves far more than that from its elected representatives.

Our Nation's economic competitiveness is tied to its telecommunications future. This future deserves far more than a cursory glance and a pressured vote; let us act, but act in the sober light of day, when every Member of Congress may fairly weigh that alternative policies which are advocated.

□ 0950

GOVERNOR CLINTON'S ACTIONS SPEAK LOUDER THAN WORDS

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

Mr. LAGOMARSINO. Mr. Speaker, over the past few weeks we have seen the liberal Democratic press try to explain away Governor Bill Clinton's avoiding the draft.

Despite the growing number of conflicting stories Mr. Clinton tells about when and how he slickly avoided service, his underlying excuse is the same: He opposed the Vietnam war, so his draft dodging is OK.

But, the draft was not exclusively for Vietnam. During the Vietnam war, almost 9 million Americans served their country. Only 3.3 million went anywhere in or near Southeast Asia. Many of those—like our pilots over Hanoi—were not draftees. Over a million draftees never went to Vietnam. They served as a deterrent against communism in Western Europe, South Korea, Japan, the Philippines, and right here at home. Was Clinton also opposed to NATO and freedom in Korea? If not, then why did he not serve?

President Bush volunteered to defend his country. So, too, did Vice President QUAYLE. Bill Clinton did not. His actions speak louder than any words.

TRIBUTE TO CONFEREES ON HHS BILL

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

Mr. EARLY. Mr. Speaker, I would like to just take this 1 minute to congratulate the gentleman from Kentucky [Mr. NATCHER] and the ranking member, the gentleman from Michigan [Mr. PURSELL].

Mr. Speaker, in the conference yesterday, when we marked up the HHS bill which was the most difficult bill we have had in 18 years, which the numbers, the moneys, were just not available for the people programs that we would like to put into them, but Chairman NATCHER and the gentleman from Michigan [Mr. PURSELL], speaking of them as the representatives of all the Republicans and all the Democrats, saw to it that people programs, the fuel assistance, that the $1,500,000,000 will be allowed to them for this upcoming year, and they went into NIH, and, Mr. Speaker, this is the first time in my 18 years on this subcommittee that the House report will be less than the amount recommended by the President of the United States.

But they put the money into the institutes by what the testimony was. They went specifically to the Institute on General Medical Science, which has

no constituency. It addresses all basic biomedical research and all diseases, but they put the money in there for that institute which has had more U.S. Nobel laureates than any other institute, and more than 50 percent of the U.S. Nobel laureates have come out of that institute.

The gentleman from Kentucky [Mr. NATCHER], the chairman, the gentleman from Michigan [Mr. PURSELL], who is leaving, and the gentleman from California [Mr. ROYBAL], who is also leaving, they did this country a tremendous service here yesterday when they marked up the bill and put the money where the people wanted the money.

WHO WILL PAY MORE TAXES?

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

Mr. DANNEMEYER. Mr. Speaker, in an excellent column this morning by Paul Craig Roberts, he reports that the IRS has said that the richest 1 percent pay more than one-fourth of the Federal income taxes. The richest 5 percent pay almost half. The richest 25 percent pay 77.4 percent of the Nation's income tax revenue, and the richest 50 percent pay 94.4 percent.

What this tells us is that when Bill Clinton says he wants to tax the rich, what he is really talking about, if you have a job in America, you are, in the definition of Mr. Clinton, a rich person.

To send Bill Clinton to the White House, or as a Californian, Dianne Feinstein or BARBARA BOXER to the Senate of the United States to do something about controlling runaway Federal spending makes as much sense as sending a fire truck to a fire with its water tanks filled with gasoline.

PEOPLE AROUND CLINTON: BIG SPENDERS

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

Mr. STEARNS. Mr. Speaker, Gov. Bill Clinton says he's for change. Well, that may be so, but Americans have to ask themselves "What kind of change?"

Judging by the people closest to Bill Clinton, I don't think the American people want the kind of change Bill Clinton will bring.

For Vice President, he has chosen a man who has spent his entire career in Congress. A man who has never run a business or met a payroll—who was rated one of the biggest spenders in the Senate by the National Taxpayers Union.

Bill Clinton's communications director is also from Congress. He made a lot of money last year working for the Democratic majority leader. His boss, the majority leader, was also rated one of the biggest spenders in Congress by the National Taxpayers' Union.

Bill Clinton's decision to hire these men should tell the American people something. If you want the same people who run Congress to run the White House, vote for Bill Clinton. If you believe in more government, more taxes and more spending—go ahead, vote for Bill Clinton.

Would it be a change? Yes, but not the kind of change America deserves.

TIME TO PASS THE TORCH

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

Mr. APPLEGATE. Mr. Speaker, President Bush's experience should be a plus for America, but he has proved that it also can be a detriment.

You know, he likens himself to Harry Truman. But let me tell you that when Harry Truman was President right after World War II, here is what he did: established minimum wage, unemployment compensation, fair employment practices for all people, tax reform, Federal aid to housing, redeveloping America's slum areas, and of all things, a national health insurance policy. Now, George Bush would have vetoed all of these.

The difference is that Harry Truman was less rhetorical and more decisive. George Bush is more rhetorical and less decisive.

I think it is time the torch was turned to a new generation.

CLINTONOMICS: FORMULA FOR DISASTER

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

Mr. JOHNSON of Texas. Mr. Speaker, if you thought the recent hurricanes were devastating, let me tell you about "Clintonomics"—the worst 4-year disaster to hit American workers in years.

Clinton says he is progrowth—but just listen to his whirlwind of ideas:

Democrat tax proposals that would cost businesses $120 billion a year. Health insurance that would inflate small business premiums by 90 percent, destroying 12 to 26 percent of all smart businesses in America.

Instead of creating jobs, 1.8 million Americans would be thrown out on the streets the first year, increasing unemployment by 1.5 percent.

You know, Clinton calls his plan—"putting people first" * * * but one has to ask, where is he putting them? Certainly not to work. Americans do not want, do not need, and do not deserve Clintonomics, a formula for disaster.

CLINTON: TAXATION WITHOUT HESITATION

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

Mr. DREIER of California. Mr. Speaker, taxation without hesitation, that is what we have been promised by Bill Clinton. He says he will raise taxes by $150 billion. We know that he wants to raise more than that.

He says he wants to tax only the rich, but we know that he really means by that the middle-class wage earners.

He wants to raise more taxes to fund more spending programs, it is very apparent, and Bill Clinton is very, very good at raising taxes, Mr. Speaker. He is in the Arkansas Tax Hall of Shame. He is the largest taxer in Arkansas history.

We cannot trust Bill Clinton with an awful lot, but we know, Mr. Speaker, that we can trust him with this campaign promise. He clearly will give us taxation without hesitation.

Can we really afford a Clinton tax increase? Can we really afford the Democrat majority that is in the House?

The American people should keep these important questions in mind when they go to the polls 4 weeks from Tuesday.

□ 1000

REPORT ON THE NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. KOLBE. Mr. Speaker, Congress' Office of Technology Assessment recently issued a report on the North American Free-Trade Agreement. Unfortunately the report makes several false assertions, and before Members wave this report around on the campaign trail, they should be armed with the facts about NAFTA.

The OTA asserts that Mexican wages will remain low and therefore attract United States transplants. Not. Wages alone do not justify relocating a plant. In any event, NAFTA creates no new incentives for locating in Mexico that do not already exist.

The OTA report claims that NAFTA would tend to increase illegal immigration from Mexico. Not. The opposite will happen as NAFTA succeeds. Better jobs at better wages will be created in Mexico, that decreases the incentive for illegal immigration. A study done at UCLA predicts the agreement will decrease illegal immigration by 1.6 million. President Salinas has repeatedly said "We want to export goods, not people."

Finally, the OTA claims that NAFTA will hurt the environment. Not. A free trade with Mexico will help, not hurt,

the environment. Mexico is devoting a large share of national resources to environmental protection, and President Bush has proposed spending $250 million for new binational border environmental initiatives. This Congress has proven its irresponsibility and hypocrisy by axing the funds for border environmental initiatives while accusing the President of ignoring the problem.

Mr. Speaker, the OTA needs to go back to the drawing board. NAFTA will help the economy and the environment on both sides of the border—and it is time those facts were heard in this body.

AFTER 4 YEARS WE ARE NOT BETTER OFF AS A NATION

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, since last night and all of this morning, my colleagues on the Republican side of the aisle have used this House to campaign for the President of the United States and against Bill Clinton. And I have to say a couple of them even mentioned my name, and I am quite honored that I would rate in their remarks.

But I want to say this: You can stand up here all you want, minutes, hours, days, and try to trash Bill Clinton, but the basic argument that you cannot answer is why George Bush deserves to be reelected when so many Americans are suffering, when we have no economic strategy, when we are falling behind in the global marketplace, when our education system is now ranked No. 21, and we have slipped to No. 5 in competitiveness.

Mr. Speaker, we are not better off as a nation than we were when George Bush took office. He promised 30 million new jobs; he has got 29 million to go.

Time is running out, and what you are hearing from my colleagues—and they are friends—is desperation.

REQUEST FOR A 1-MINUTE

Mr. ROHRABACHER. Mr. Speaker, I would ask unanimous consent to proceed with a 1-minute.

The SPEAKER pro tempore. (Mr. MAZZOLI). The Chair could not recognize the gentleman at this point. The Speaker earlier this morning announced there would be 15 Members from both sides of the aisle taken on 1-minutes. Later in the day——

Mr. ROHRABACHER. Mr. Speaker, I am asking for a unanimous consent of those present.

The SPEAKER pro tempore. The Chair has to, again, explain to the gentleman at this point the Chair is unable under the Speaker's guideline to recognize the gentleman to make that unanimous consent request. Later in the day the gentleman could seek recognition.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 587 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 587

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 587 is the rule providing for consideration of the conference report on H.R. 5095, the Intelligence Authorization Act for Fiscal Year 1993.

The rule waives all points of order against the conference report and against its consideration and provides that the conference report will be considered as read. The rules waived include those dealing with the 3-day layover period for filing of conference reports, for scope, and germaneness.

Both the chairman of the Intelligence Committee, Mr. MCCURDY, and the ranking minority member, Mr. SHUSTER, testified in support of the requests embodied in this rule.

Mr. Speaker, H.R. 5095 is the authorization for fiscal year 1993 of U.S. intelligence and intelligence-related activities, including those of the CIA. The National Security Act mandates that expenditures on intelligence activities be specifically authorized, so it is imperative that the House approve this measure before adjournment.

Mr. Speaker, the gentleman from Oklahoma [Mr. MCCURDY], and the gentleman from Pennsylvania [Mr. SHUSTER, are to be commended for their diligence and good work in this very sensitive area. I urge my colleagues to grant these waivers as they requested and approve the conference report.

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

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

(Mr. ROHRABACHER was allowed to proceed out of order.)

WHY PRESIDENT BUSH SHOULD BE REELECTED

Mr. ROHRABACHER. Mr. Speaker, we were just challenged to explain why the President should be reelected by a lady who did not have the courage to make that challenge when we had the chance to reply. So I appreciate my colleague giving me this opportunity. I hope the voters in California noticed that BARBARA BOXER, who issued this challenge and then ran away, has been running away from a debate that her opponent in California. Why—oh, now, she is back on the floor. I hope your side——

Mrs. BOXER. Will the gentleman yield?

Mr. ROHRABACHER. No, I will not.

Mrs. BOXER. Well, the gentleman is——

Mr. ROHRABACHER. You have had your 1 minute.

Mrs. BOXER. The gentleman is telling untruths. I have debated my opponent twice.

Mr. ROHRABACHER. Mr. Speaker, I have the floor——

The SPEAKER pro tempore. The gentleman from Ohio yielded to the gentleman from California.

Mr. ROHRABACHER. We were asked exactly why people are unemployed in California and throughout the Nation, why people should vote for President Bush. That is because President Bush will do a better job in putting people back to work. That is because if President Bush would have had his chance to have his policies go through this Congress and not stopped by people like my colleague from California who is now running for the U.S. Senate, there would be more jobs in California and elsewhere. Instead, what we have had is a tax-and-spend Congress that has thwarted President Bush every time he has tried to put forward a policy of economic growth.

Mrs. BOXER. Will the gentleman yield?

Mr. ROHRABACHER. Not yet. I have not had my minute yet.

When the President put forward a policy of rationally reducing, reducing defense spending as it should be in a postcold war world, what we have instead on the other side is a policy of irrationally slashing defense, which will leave California workers unemployed and out of luck. And because Mr. Clinton may offer more welfare and Clinton may offer other social service jobs, we are interested, in California, in jobs in the aerospace industry, which will disappear and have disappeared because of the liberal policies espoused on the other side of the aisle, especially by my colleague who is now running for the U.S. Senate.

I would suggest that if people are disturbed that some of us are attacking

Clinton, that they stop thrashing Bush like they have for the last 4 years.

Mr. MCEWEN. Mr. Speaker, I yield myself that time which I may consume.

I rise in support of the rule for the consideration of the conference report on H.R. 5095, the Intelligence Authorization Act for fiscal year 1993. House Resolution 587 provides for consideration of one of the most important pieces of legislation that the House of Representatives must pass each year—the bill authorizing all appropriations for the intelligence and intelligence-related activities of the United States.

As explained by the gentleman from California [Mr. BEILENSON], who served with distinction as chairman of the Intelligence Committee during my years of service on that committee, this rule waives all points of order against the conference report.

The chairman of the Select Intelligence Committee, Mr. MCCURDY from Oklahoma, and the ranking member, a gentleman for whom I have the highest degree of respect, Mr. SHUSTER of Pennsylvania, came before the Rules Committee and together asked for this rule.

These two gentlemen do an outstanding job of directing our intelligence efforts. Once again, I repeat, this Intelligence Authorization Act is one of the most important bills brought to this floor. It often involves life or death matters for freedom's friends around the globe, and also our Nation's national security interests in the coming years.

The chairman and ranking member came to the Rules Committees and brought a bill to the floor under an open rule. Their conference report now requires points of order to be waived regarding the 3-day layover for conference report, and for a number of technical matters, including the scope of the provisions dealing with the National Security Education Program.

Mr. Speaker, I share the concerns that Mr. SHUSTER expressed before the Committee on Rules yesterday. This bill underfunds some of our most important intelligence programs. A capable intelligence system is not something that can be built and stockpiled like tanks and missiles—if you need more intelligence at some future date, you cannot turn some assembly line back on having killed your sources.

We saw the tragedy of that in the 1970's and have made tremendous strides in the 1980's. Now we are perilously on the edge of returning to the mistakes of the Turner years. We must nurture and support our intelligence system. To do anything less is irresponsible to our highest calling, keeping the Nation safe and free.

Mr. Speaker, I again thank the gentleman from Oklahoma and my friend from Pennsylvania for their dedication and for their leadership to our country. They certainly do their best protecting our Nation's intelligence secrets and interests. It is a pleasure to join with the gentleman from California [Mr. BEILENSON] in urging support for this rule so that we can consider the conference report.

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

Mr. BEILENSON. Mr. Speaker, we have no requests for time on this side.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

□ 1010

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

When I first was appointed to the Select Committee on Intelligence in January 1991, we were thrust into the middle of Desert Shield and Desert Storm. I received an instant lesson on the capacity and the dedication and the service of the intelligence community of our country, not only in national security matters per se, but in all things touching upon our Nation and what it means in the global community.

Since that time we have heard many people question whether or not we need an intelligence community any longer. Since the cold war is over, why do we have to watch what the Soviet Union, our arch enemy of the past, might or might not do? But events since then have shown that not only do we need an intelligence community to stay pat and to do its work in the intelligence gathering function for which it was formed, the need may be greater than ever.

The breakup of the Soviet Union presents problems of its own which our intelligence community must produce results in human and other types of intelligence so that we can be alerted as to what might happen in the Ukraine, in the Latvia and Estonia sectors of the former Soviet Union and, of course, in Yugoslavia. Is it not necessary for us to be on top of things in Yugoslavia and in Africa, in Somalia and in South Africa?

You name the spot and we still have a national security interest to project wherever trouble may arise in the entire world.

The Intelligence Committee on which I am proud to serve must be reauthorized.

Mr. Speaker, I will support the rule and the bill to follow.

Mr. MCEWEN. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. 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 SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 2, not voting 31, as follows:

[Roll No. 451]

YEAS—399

Abercrombie	Dannemeyer	Henry
Ackerman	Darden	Herger
Alexander	Davis	Hertel
Allard	de la Garza	Hoagland
Allen	DeFazio	Hobson
Anderson	DeLauro	Hochbrueckner
Andrews (ME)	DeLay	Holloway
Andrews (NJ)	Dellums	Hopkins
Andrews (TX)	Derrick	Horn
Anthony	Dickinson	Horton
Applegate	Dicks	Houghton
Archer	Dingell	Hoyer
Armey	Donnelly	Hubbard
Aspin	Dooley	Hughes
Atkins	Doolittle	Hunter
AuCoin	Dorgan (ND)	Hutto
Bacchus	Dornan (CA)	Hyde
Baker	Downey	Inhofe
Ballenger	Dreier	Ireland
Barrett	Duncan	Jacobs
Barton	Durbin	James
Bateman	Dwyer	Jefferson
Beilenson	Early	Jenkins
Bennett	Eckart	Johnson (CT)
Bentley	Edwards (CA)	Johnson (SD)
Bereuter	Edwards (TX)	Johnson (TX)
Berman	Emerson	Johnston
Bevill	Engel	Jones
Bilbray	English	Jontz
Bilirakis	Erdreich	Kanjorski
Bliley	Espy	Kasich
Boehlert	Evans	Kennedy
Boehner	Ewing	Kennelly
Bonior	Fawell	Kildee
Borski	Fazio	Klug
Boucher	Fields	Kolbe
Boxer	Fish	Kopetski
Brewster	Ford (MI)	Kostmayer
Brooks	Ford (TN)	Kyl
Broomfield	Frank (MA)	LaFalce
Browder	Franks (CT)	Lagomarsino
Brown	Frost	Lancaster
Bruce	Gallegly	Lantos
Bryant	Gallo	LaRocco
Bunning	Gejdenson	Laughlin
Burton	Gekas	Leach
Byron	Gephardt	Lehman (CA)
Callahan	Geren	Lehman (FL)
Camp	Gibbons	Lent
Campbell (CA)	Gilchrest	Levin (MI)
Campbell (CO)	Gillmor	Levine (CA)
Cardin	Gilman	Lewis (CA)
Carper	Glickman	Lewis (FL)
Carr	Gonzalez	Lewis (GA)
Chapman	Goodling	Lightfoot
Clement	Gordon	Livingston
Clinger	Goss	Lloyd
Coble	Gradison	Long
Coleman (MO)	Grandy	Lowery (CA)
Coleman (TX)	Green	Lowey (NY)
Collins (IL)	Gunderson	Luken
Collins (MI)	Hall (TX)	Machtley
Combest	Hamilton	Manton
Condit	Hammerschmidt	Markey
Conyers	Hancock	Marlenee
Cooper	Hansen	Martin
Costello	Harris	Martinez
Coughlin	Hastert	Matsui
Cox (CA)	Hatcher	Mazzoli
Cox (IL)	Hayes (IL)	McCandless
Coyne	Hayes (LA)	McCloskey
Cramer	Hefley	McCollum
Cunningham	Hefner	McCurdy

McDade	Petri	Smith (IA)
McDermott	Pickett	Smith (NJ)
McEwen	Pickle	Smith (OR)
McGrath	Porter	Smith (TX)
McHugh	Poshard	Snowe
McMillan (NC)	Price	Solarz
McMillen (MD)	Pursell	Solomon
McNulty	Quillen	Spence
Meyers	Rahall	Spratt
Mfume	Ramstad	Stallings
Michel	Rangel	Stark
Miller (CA)	Ravenel	Stearns
Miller (OH)	Ray	Stenholm
Miller (WA)	Reed	Stokes
Mineta	Regula	Studds
Mink	Rhodes	Stump
Moakley	Richardson	Sundquist
Molinari	Ridge	Swett
Mollohan	Riggs	Swift
Montgomery	Rinaldo	Synar
Moody	Ritter	Tallon
Moorhead	Roberts	Tanner
Moran	Roe	Tauzin
Morella	Roemer	Taylor (MS)
Morrison	Rogers	Taylor (NC)
Mrazek	Rohrabacher	Thomas (CA)
Murphy	Ros-Lehtinen	Thomas (GA)
Murtha	Rose	Thomas (WY)
Myers	Rostenkowski	Thornton
Nagle	Roth	Torres
Natcher	Roukema	Torricelli
Neal (MA)	Rowland	Traficant
Neal (NC)	Roybal	Unsoeld
Nichols	Russo	Upton
Nowak	Sabo	Valentine
Nussle	Sanders	Vander Jagt
Oakar	Sangmeister	Vento
Oberstar	Santorum	Visclosky
Obey	Sarpalius	Volkmer
Olin	Sawyer	Vucanovich
Olver	Saxton	Walker
Ortiz	Schaefer	Walsh
Orton	Scheuer	Waters
Owens (NY)	Schiff	Waxman
Owens (UT)	Schroeder	Weber
Oxley	Schulze	Weldon
Packard	Schumer	Wheat
Pallone	Serrano	Whitten
Panetta	Sharp	Williams
Parker	Shaw	Wilson
Pastor	Shays	Wise
Patterson	Shuster	Wolf
Paxon	Sikorski	Wolpe
Payne (NJ)	Sisisky	Wyden
Payne (VA)	Skaggs	Wylie
Pease	Skeen	Yates
Pelosi	Skelton	Yatron
Penny	Slattery	Young (FL)
Peterson (FL)	Slaughter	Zeliff
Peterson (MN)	Smith (FL)	Zimmer

NAYS—2

Crane	Washington

NOT VOTING—31

Annunzio	Flake	Mavroules
Barnard	Foglietta	McCrery
Blackwell	Gaydos	Perkins
Bustamante	Gingrich	Savage
Chandler	Guarini	Sensenbrenner
Clay	Hall (OH)	Staggers
Dixon	Huckaby	Towns
Dymally	Kaptur	Traxler
Edwards (OK)	Kleczka	Young (AK)
Fascell	Kolter	
Feighan	Lipinski	

□ 1034

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate having proceeded to reconsider the bill (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," returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was resolved that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate having proceeded to reconsider 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," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate had passed without amendment a bill, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 1628. An act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes;

H.J. Res. 320. Joint resolution authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with Union forces during the Civil War; and

H. Con. Res. 366. Concurrent resolution requesting the President to return the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference, and providing for its reenrollment with technical corrections.

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 Senate to the bill (H.R. 5488) "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, 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 Senate to the bill (H.R. 5518) "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 20, 27, 28, 33, 34, 44, 45, 58, 62, 80, 90, 92, 99, 100, 149, 151, 156, 157, 158, 160, 162, 165, 167, 172, 174, 185, 186, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 212, 214, 215, 216, 217, 218, 220, 221, 222, 223, 224, 225, 226, 227, 228, 230, and 233, to the above-entitled bill.

CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MCCURDY. Mr. Speaker, pursuant to House Resolution 587, I call up the conference report on the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of House Resolution 587, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, October 1, 1992, at page 29560.)

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Oklahoma [Mr. MCCURDY] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 5095, the intelligence authorization bill for fiscal year 1993. As is customary, the conference report contains classified, as well as unclassified, elements. A classified schedule of authorizations, which is incorporated by reference in the conference report, sets forth the funding levels agreed to by the conferees. The schedule of authorizations is described in detail in a classified annex to the joint explanatory statement of the committee of conference. Both of these classified documents may be reviewed by Members in the offices of the Intelligence Committee. I urge Members to take the time to examine these documents.

This conference report underscores the fact that intelligence programs cannot be immune from the spending reductions necessary if our Nation's fiscal ills are to be addressed. As passed by the House 3 months ago, this measure contained a 5-percent cut in the authorization levels for the activities, known collectively as the National Foreign Intelligence Program [NFIP] which provide intelligence to policymakers such as the President and Cabinet officers. The Senate made reductions which were similar in the aggregate to those made by the House.

In conference we were able to cut more than had been cut by either the House or the Senate. Under the con-

ference report, national intelligence programs—those undertaken by the Central Intelligence Agency, Defense Intelligence Agency, and the National Security Agency, among others—are reduced by nearly 6 percent from the levels requested by the President. This is a substantial reduction in funding, but I believe it can be accommodated by the intelligence community without any loss in essential intelligence capabilities.

Our intelligence agencies are at a critical juncture. The collapse of the primary reason for their creation and growth—the threat posed by the Soviet Union and its allies—has left them without a clear focus for their activities. Efforts by the agencies to reorient themselves away from their traditional targets have collided with the reality that the Federal deficit ensures that the competition among national security programs for a share of shrinking budgetary resources will be fierce for the foreseeable future.

I believe our response to this situation must seek to avoid two mistakes. First, we must resist the temptation to mindlessly slash intelligence budgets in the mistaken belief that the end of the cold war means the end of our need for reliable and timely intelligence about the challenges we will continue to face as a Nation. As a result, this conference report targets its reductions in programs the conferees believed to be outdated, ineffective, or redundant, while making investments for the future in new technologies and expanded capabilities.

The second mistake we must avoid is to try to shelter the intelligence budget from any meaningful reductions on the theory that the post-cold-war intelligence community must necessarily look, at least from a resource standpoint, like its predecessor. We must not allow intelligence activities to be justified by their ability to absorb available resources rather than by their importance to the national security. The reductions contained in this conference report are a first step in an effort to match roles and missions for intelligence with the money that can be spent on them. Our goal is an intelligence community that is the right size for the future. This conference report takes us toward that goal, but we have much more work to do before the goal is attained. The definition of roles and missions will be among the committee's most important tasks next year, and I hope that we can work cooperatively with the next administration in this important undertaking.

The conference report also recognizes that the changed world situation, and declining budgets, need to be reflected in the size of the intelligence community's work force. The conferees are proposing a plan that will reduce intelligence personnel levels by nearly 18 percent by 1997, while retaining sufficient flexibility to allow agencies to maintain the infusion of new talent necessary to ensure that they do not calcify. We must strike a balance between personnel levels and investment in new technologies and equipment. The implementation of sensible, phased reductions in personnel levels will be essential to achieving that balance.

In addition to the budgetary provisions, the conference report contains a number of legislative items which will be explained in more detail by the chairwoman of our Subcommittee on Legislation, Congresswoman KENNELLY. The presence of many of these items in the conference report was the result of cooperative efforts between the Intelligence Committee and other committees of jurisdiction, including the Armed Services, Judiciary, Post Office, and Civil Service, Government Operations, and Education and Labor Committees. The assistance of the members and staff of these committees is most appreciated. At the conclusion of my remarks, I would like to include in the RECORD an exchange of letters between myself and Chairman FORD of the Education and Labor Committee which reflects the mutual interest of the two committees in one of the provisions in this conference report.

Earlier this year, the chairman of the Senate Intelligence Committee, Senator BOREN, and I, introduced legislation to reorganize the U.S. intelligence community, which has grown in an uncoordinated fashion over the last 47 years. We had useful hearings in both committees on these bills. The Director of Central Intelligence [DCI] Gates, much to his credit, decided to implement administratively a number of structural changes that were similar to some of the suggestions in our legislation. I also believe that the recent decision by the administration to publicly acknowledge the existence of the National Reconnaissance Office reflects the spirit of change that was a part of these bills.

We were advised, however, that the amendment views as its exclusive prerogative the determination of the organization of the executive branch. This is an issue that we leave unresolved for now. We will monitor the performance of the DCI's changes, and continue to make suggestions for improvement. If legislation is determined to be necessary to eliminate duplication of effort, clarify lines of authority, and consolidate functions for more effective management, I will not hesitate to propose it.

The conference report does contain, in title VII, a codification of the duties and responsibilities of certain officials within the intelligence community, and a codification of the relationship between various components of the intelligence community. While affirming the situation that has long been assumed to exist both with the respect to these duties and responsibilities, and the organizational relationships, the codification does provide a useful and appropriate measure of clarity and certainty. In addition, one of the provisions in title VII will enhance the ability of the DCI to move funds and personnel between elements of the national foreign intelligence program. This kind of enhancement will assist in the effective discharge of the DCI's responsibilities as head of the intelligence community, as was recommended in my reorganization bill.

Before closing, I want to note the contribution made to the work of the committee by six members whose service will end at the conclusion of this session of Congress. The committee's ranking Republican, BUD SHUSTER, and I have forged a very good working relationship during a time of considerable change in the intelligence community. He has encouraged, and at times prodded, the community to play a more effective role in areas like counternarcotics and he has achieved considerable success. It has been a privilege and a pleasure to work cooperatively with him in a way that enabled the committee to adopt bipartisan positions on most of the issues which have come before it.

In addition to Mr. SHUSTER, the committee will lose the services of two of its subcommittee chairs, CHARLIE WILSON and BARBARA KENNELLY, as well as STEVE SOLARZ and WAYNE OWENS on the Democratic side and DAVID O'B. MARTIN on the Republican. These members have brought varied perspectives on national security issues to the committee and made important contributions to our work.

Mr. Speaker, the conference report on H.R. 5095 has, I believe, support on both sides of the aisle. It is good legislation for an intelligence community in transition, and I urge its adoption by the House.

Mr. Speaker, the letters referred to follow:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, September 25, 1992.

Hon. DAVE MCCURDY,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5095, the Intelligence Authorization Act for Fiscal Year 1993, and the Senate amendment thereto.

Section 304 of the Senate amendment contains several amendments to the National Security Education Act of 1991 which, under clause 1. (g) of Rule X of the Rules of the House of Representatives, are within the jurisdiction of the Committee on Education and Labor. As you will recall, during the 1st Session of this Congress, Members of this Committee were appointed conferees for those provisions of the fiscal year 1992 intelligence authorization act (H.R. 2038) which established the National Security Education Act.

Because of this Committee's jurisdictional interests, typically I would ask that some of its Members be appointed as conferees on

H.R. 5095. In this instance, however, our staffs have discussed the provisions in question and their proposed resolution in conference. Based on these discussions, I do not believe it is necessary for me to request the appointment of conferees.

I would appreciate, however, a letter acknowledging this Committee's jurisdictional interest in section 304 and ask that you insert our exchange of letters in the RECORD during debate on the conference report.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 25, 1992.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 5095, the Intelligence Authorization Act for Fiscal Year 1993, and the Senate amendment thereto.

I appreciate your committee's jurisdictional interest in the National Security Education Act of 1991. Last year, our committees shared jurisdiction over the creation of the Act. I am pleased that our staffs were able to agree on the final form of the relatively minor changes to the Act included in the Senate amendment to the fiscal year 1993 intelligence authorization bill. I appreciate your forbearance on the question of the appointment of conferees, which will greatly facilitate the completion of our conference.

Our exchange of letters will be included in the RECORD as a part of the debate on the conference report.

Sincerely,

DAVE MCCURDY,
Chairman.

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

□ 1050

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank our distinguished chairman for his very kind words. I wish to emphasize to the body that he has quite accurately described the conference report before us today.

I rise in support of this conference report, even though it certainly is not perfect. There are many good provisions in it, however. Most importantly, perhaps, we have preserved the core intelligence programs for the intelligence community serving the national security of our Nation. We have also restored very significant FBI funding, and we have restored the CIA imagery analysis office.

I am concerned, Mr. Speaker, frankly, about the size of the funding cut. Certainly some reduction is advisable, but we have cut deeper than either the chairman or I have proposed. This is of great concern. The details for all of this, of course, are in the classified annex.

We face a changing world, but although it is a changing world, it continues to be a very dangerous world and intelligence is clearly described as a force multiplier, an early warning system for the very dangerous world in which we live.

There are other shortcomings in this conference report that I believe are worth noting. One area where I took special exception pertains to providing more funds entirely from the intelligence budget for the National Security Education Act, a program for language and area studies scholarships and fellowships. There is absolutely no guarantee that the beneficiaries of this program will make any contribution whatsoever to filling the needs of the intelligence community. In my view it simply does not make good fiscal sense to authorize another $30 million for this new trust fund when the intelligence budget is under its severest constraints in many, many years.

Also, Mr. Speaker, the intelligence authorization reorganization title in the Senate bill which caused the administration so much concern has, after much negotiation, been much watered down in the conference report. Many of the original provisions to rewrite the National Security Act of 1947 were viewed as needlessly threatening the President's necessary flexibility to structure the intelligence community for the most effective conduct of intelligence activities.

The conference report, however, adopts reorganization provisions which are largely harmless and minor nuisances. In short, this particular reorganization provision might be described as being from the Tammie Fay Baker school of legislative cosmetology: rather harmless.

The reorganization title does, however, include a modest but useful expansion of the authorities of the Director of Central Intelligence to transfer funds and personnel between the programs of the National Foreign Intelligence Program, and once again this year, the conference report includes a Senate provision, I underline, a Senate provision, not a House provision, expressing the sense of Congress that the overall intelligence budget totals should be publicly disclosed each year.

This is a recycled canard which will not provide the American people with any meaningful understanding of the relative costs versus benefits of funding intelligence activities. I am very thankful that the provision is not written into the law itself.

There are other shortcomings in the conference report worth noting. I believe I have covered the various most important shortcomings, in my judgment, Mr. Speaker.

Before I close, Mr. Speaker, I would like to say that as I conclude my 6 years on this committee, I certainly want to salute our distinguished chairman, who has made and is making an enormous contribution to the well-being and national security of our country, as well as every member of the committee on both sides of the aisle and the extraordinary staff which we have supporting us on both sides of the aisle.

While it is necessary that so much of what we do be highly classified, in one respect it is too bad that it is so highly classified, because some of the most important things we do simply can never be discussed. The Permanent Select Committee on Intelligence has made a significant difference over these past years, Mr. Speaker. I refer specifically to Desert Storm. It can be said categorically that American lives were saved in Desert Storm because of programs that not only were supported by the Permanent Select Committee on Intelligence, but were initiated and championed by the Permanent Select Committee on Intelligence.

Indeed, it can also be said categorically that some of the most extraordinary successes in our war against drugs, against illegal narcotics around the world, some of those most extraordinary successes took place as a result of programs initiated and supported by the Permanent Select Committee on Intelligence. People are freer around the world today because of the support of Members on both sides of the aisle of the Permanent Select Committee on Intelligence.

I wish we could talk in detail about the successes. We obviously cannot, because they are classified, but it can be stated categorically that these kinds of extraordinary accomplishments were made possible because of the dedication and the patriotism of the Democrats and the Republicans who worked together on a bipartisan basis on this very important committee.

Over my years in the Congress, Mr. Speaker, I have had the privilege of serving on the Committee on Public Works and Transportation, the Committee on the Budget, the Committee on Education and Labor, the Committee on the District of Columbia, and the Permanent Select Committee on Intelligence. I can say without hesitation that the Permanent Select Committee on Intelligence provides us with the opportunity to make an unparalleled contribution to the well-being of our country. America is more secure today because of the dedicated men and women who serve on this extraordinary committee.

From the bottom of my heart I am thankful for the privilege of having been able to give this service to the Congress and my country.

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

Mr. MCCURDY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY], the chairwoman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence.

Mrs. KENNELLY. Mr. Speaker, I rise in support of the conference report on

H.R. 5095, the Intelligence Authorization Act for fiscal year 1993. This legislation is an important step in reordering the Nation's intelligence community to reflect the new realities of the post-cold-war era. The reductions in funding and personnel levels contained in the conference report, and the legislative provisions pertaining to the community's organization, have been ably described by Chairman MCCURDY.

In addition, the conference report includes many legislative measures this year. All of the legislative provisions in the House-passed bill were included in the conference report without significant change, although the restatement of the Central Intelligence Agency Retirement Act includes more specific language spelling out how the Agency is to treat the right of a qualified former spouse of a participant in the Federal Employees' Retirement System [FERS] to a share of the thrift savings plan account. In short, the qualified former spouse is entitled to 50 percent of the amount that accrued in the account during the marriage, payable in a lump sum, upon receipt by the Director of Central Intelligence of proper documentation following divorce. We expect the Director to take steps to protect the rights of qualified former spouses to their share of these funds prior to the date payment is made.

The conferees also adopted all but one of the legislative provisions included in the Senate amendment. The conference report includes several technical amendments to the National Security Education Act [NSEA] of 1991, renamed by this measure in honor of Senator DAVID L. BOREN, who has championed the program. Among other measures, the conference report increases the trust fund authorized under the NSEA Program by $30 million and expands the membership of the National Security Education Board to include the chairperson of the National Endowment for the Humanities and two more education experts from outside the Federal Government. In addition, the conference report strikes the requirement that the program be administered by the Secretary of Defense through the Defense Intelligence College, which had proven to be impractical. In response to administration objections, we did not include the Senate's language that the Secretary establish an independent center for international studies to administer the program. Nevertheless, it should be emphasized that it is the Board with its broad membership including educational and nonintelligence Government viewpoints which establishes policies governing the criteria and qualifications for making awards. In addition, the law prohibits any person who receives assistance under the act from being used for intelligence purposes under any circumstances while pursuing his or her education.

As a supporter of the goals of the NSEA, I see it as a program of tremendous potential. Unfortunately, we are not near the point of realizing that potential. I am disappointed the administration has not managed to send to the Senate for confirmation its appointments to the National Security Education Board on a timely basis. This failure will prevent the Board from convening and setting forth the regulatory foundation that must be in place before scholarships, fellowships, and grants are awarded, for at least another 4 months, and may mean there will not be awards for the 1993–94 academic year. Furthermore, although I am aware that there are difficult administrative questions underlying this program, I remain concerned that there be an emphasis on keeping the administrative costs and complexities to a minimum so there is maximum benefit to students and scholars pursuing foreign languages and area studies. I am hopeful this can be done and I will continue to monitor implementation of the NSEA.

Finally, I would like to thank you, Mr. Speaker, for granting me the honor of serving on the Intelligence Committee over the past 6 years. I have been a member during difficult and challenging times. The issues facing the committee have been complex, but they promise to be no less so in the future as we struggle as a nation to define what we mean by national security.

□ 1100

And I would like to thank the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member for his courtesy in always being willing to discuss issues with me as a Member. And obviously I would like to give great thanks to the chairman, the gentleman from Oklahoma [Mr. MCCURDY], who has given so much of his time through the years as a Member of the Congress of the United States to this committee, sitting in that room at the top of the Capitol and giving an effort and an ability to understand these very complex problems, and being willing to continue as its chairman and its leader.

I also would like to state today that I have been incredibly impressed by the intelligence, the dedication and professionalism of the staff of the Intelligence Committee. These are very difficult matters that we address for a person like myself who was never able to have the opportunity or the privilege to serve in the armed services, and to be able to serve on this committee and yet be backed up with a supportive professional staff so that I can make known the feelings of the persons outside in the community concerning our intelligence community, and I thank the staff for that. It has been an honor and a privilege to serve on the Intelligence Committee, and I would say to my fellow colleagues, as next year comes about, give some thought to giving some time to your country by serving on this committee.

Mr. SCHULZE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman yielding me the time. I certainly want to rise in support of this conference agreement, Mr. Speaker, but I do want to wholeheartedly endorse the reservations that were expressed by the gentleman from Pennsylvania on some of the areas of funding and cutbacks. But I think this is probably reflective of a lot of hard work that did restore some of the things that had concerned us earlier.

The main reason that I wanted to take the opportunity to take just a moment was to bid farewell from this committee to a gentleman that I have had an opportunity to work with for 4 years, and it has been a true delight. This has been I think, maybe one of the most or somewhat most difficult, and maybe equally challenging times to go through with the world moving out of a cold war. Certainly the chairman and the ranking member have done a wonderful job in moving through a tremendous reorganizational effort of the intelligence community. This bill is much better because of the very personal, hands-on approach by the gentleman from Pennsylvania, and the people who strongly believe in a strong intelligence community owe a tremendous amount of gratitude to him. If it had not been for that perseverance and persistence, I think many of the things which we were able to win in this bill would not have come about, and the gentleman I think should have tremendous commendation for that, because he has done a phenomenal job. And it has been a pleasure, and I assure you that the committee and the community will sorely miss his leadership and his guidance. He has left a mark that will be well remembered into the years to come.

Mr. MCCURDY. Mr. Speaker, I just want to yield myself a couple of minutes here to conclude.

Mr. Speaker, I want to identify with the remarks of the gentleman from Texas [Mr. COMBEST], again in stating the belief of Members of both sides of the aisle that the gentleman from Pennsylvania [Mr. SCHULZE] will be missed, and we certainly have appreciated his service on the committee.

Mr. Speaker, I want to take a moment as well to express my desire to be working with the gentleman from Texas [Mr. COMBEST], who will be the ranking member in the next Congress, and I look forward to that association. I guess it is a true mark of the bipartisanship of this committee when we have two Members that face off on opposite sides of the Red River being able to work as well as we have been able to do.

Mr. Speaker, none of us could work and be effective without strong committee staff, and of all of the committees in the Congress we were the one that reduced our operating budget this year voluntarily. But I want to make it clear that we have I think, as professional and as high quality a staff as any committee in the Congress. They are truly dedicated, intelligent, and provide great service to us.

Also, Mr. Speaker, because of the jurisdiction, we work very closely with the committee members and staffs of the House Armed Services Committee, and also the House Appropriations Committee. And I also want to take a moment just to note their professionalism and our strong working relationship that we have, and we obviously appreciate that fact.

Mr. Speaker, earlier today we had you in the chair, and we had the gentleman from California [Mr. BEILENSON], handling the rule, and the gentleman from Ohio [Mr. MCEWEN] handling the rule, and all three of you have likewise served on the committee. I think it is important to note that again it is not something that people send press releases back to the district on, but it was nice to have those Members in the chair and managing the rule that had experience as you had, and I think it is important that we note that as well.

Mr. Speaker, it has been a tough 2 years, and a lot has happened with the gulf war, the collapse of communism, and the Warsaw Pact. But I can assure Members that there are many, many serious challenges out there and great instability in many places around the globe. The Bosnias of the world are going to be numerous in the future, and it takes quality intelligence in order to serve our Government well. We believe that this committee is important and plays an important role, and we believe that the intelligence community is doing a good job.

Mr. SCHULZE. Mr. Speaker, I yield back the balance of my time.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCURDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Ways and Means:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1991, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

The Railroad Retirement Board (RRB) serves over 873,000 railroad retirees and their families and almost 283,000 railroad employees who rely on the system for retirement, unemployment, disability, and sickness insurance benefits. Beneficiaries depend on the financial integrity of the pension funds for payment of their benefits.

This report includes the Annual Actuarial Report, which concludes that the railroad retirement system will not experience a cash flow problem in the near future. The Chief Actuary at RRB, however, warns that "the long term viability of the system * * * is still questionable." Based on the report's analysis, if employment trends continue as they have for over a quarter of a century, the trust funds will go broke sometime between 2010 and 2016.

I continue to strongly oppose the permanent diverting of Federal income taxes to the rail pension system. Since 1983 approximately $5.4 billion in taxpayer subsidies have been given to the rail pension fund, $1.72 billion of which were from the diversion of income taxes. The Railroad Retirement Board believes current resources are sufficient to pay benefits, except under the most pessimistic assumptions, thereby rendering Federal subsidies unnecessary. Railroad pensions should be financed solely by rail sector resources.

As I stated last year, I support all equitable reforms to the system, such as privatization and the extension of rules protecting private pensions (Employee Retirement Income Security Act) to the railroad's private pension system.

GEORGE BUSH.

The White House, *October 1, 1992.*

□ 1110

THE VETO OVERRIDE ON THE GAG RULE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, I am pleased to say the next vote, I think, is going to be one of the most important votes people will cast this year, because we are going to be dealing with the veto override on the gag rule.

I cannot tell people how strongly I feel about this, and, I think, most American women feel about this. This is an issue about whether or not the Federal Government is going to treat over half its population as adults, as adults. This is a fundamental.

In other words, if the gag rule is not overturned and we do not override this veto, what we are going to be saying to American women is we are going to be mandating malpractice for them, that even if a medical health professional thinks that that would be in their best interest, they will be unable to act upon that or tell them that because of the Federal Government. That is not the America I signed up for, Mr. Speaker.

I hope today this House stands with the other body and says that is not the America we know. This is one Nation, indivisible, and we are going to treat men and women alike, and we are going to make sure they have all the options laid in front of them.

I salute the wonderful committee that is bringing this to the floor and the chairman, the gentleman from California [Mr. WAXMAN], who has done such a fabulous job. I hope the House shall override today.

THE FAMILY-PLANNING CLINIC REGULATIONS

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

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the gentleman from California [Mr. DANNEMEYER] is recognized for 1 minute.

There was no objection.

Mr. DANNEMEYER. Mr. Speaker, my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], could not be more mistaken in what she has just said to the House relative to what the status of the regulation is and what the House will be considering.

The regulation specifically authorizes, and I will quote from it:

> Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

The guidance goes on to say:

> Section 59(5)(b)(1) of the regulation requires the physician to refer a pregnant woman with a health problem to medical care appropriate to her particular health problem, even if that referral ultimately results in an abortion.

That is the regulation. It authorizes a physician, working in a family-planning clinic, to do just what that regulation says.

What the regulation goes on to say is the vast majority of the counselors working in these family-planning clin-

ics who have no training whatsoever are precluded from talking about abortion as a part of the overall function of family planning. That is what this dispute is all about.

FAMILY PLANNING AMENDMENTS ACT OF 1992—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the Senate of the United States:

I am returning herewith without my approval S. 323, the "Family Planning Amendments Act of 1992." This legislation would extend and amend the federal family planning program under title X of the Public Health Service Act.

If the scope of S. 323 were limited to family planning, I would approve it. My Administration has an excellent record in support of family planning. About this there can be no question. Our approach to reauthorizing title X was embodied in a bill transmitted to the Congress on February 25, 1991. We need a family planning program to deliver preventive, pre-pregnancy services.

Unfortunately, S. 323 is unacceptable because it would override current regulations that are designed to maintain the title X program's integrity as a pre-pregnancy family planning program. The bill would require projects supported by title X family planning funds to counsel pregnant women on, and refer them for, abortions. Such a requirement is totally alien to the purpose of the title X program. Title X is a quality health care program that provides pre-pregnancy family planning information and services and refers pregnant women to health care providers who can ensure continuity of care.

Under current regulations, upheld by the United States Supreme Court, pregnant women who seek services from clinics funded by title X would be referred to qualified providers for prenatal care and other social services, including counseling. Moreover, nothing in these regulations prevents a woman from receiving complete medical information about her condition from a physician. The Supreme Court specifically found that the regulations regarding the title X program in no way violated free speech rights.

In a memorandum to Department of Health and Human Services Secretary Louis Sullivan on November 5, 1991, I reiterated my commitment to preserving the confidentiality of the doctor/patient relationship. In that memorandum, I also repeated my commitment to ensuring that the operation of the title X family planning program is compatible with free speech and the highest standards of medical care. My memorandum makes clear that there is no "gag rule" to interfere with the doctor/patient relationship. There can be no doubt that my Administration is committed to the protection of free speech.

I have repeatedly informed the Congress that I would disapprove any legislation that would transform this program into a vehicle for the promotion of abortion. Unfortunately, the Congress has seen fit to entangle this family planning program in the politics of abortion.

I believe that the title X family planning program should be reauthorized. I now urge the Congress to adopt a bill that promotes true family planning rather than requiring Federal tax dollars to be used in a manner that promotes abortion as a method of birth control.

GEORGE BUSH.

The White House, *September 25, 1992.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the Senate bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from California [Mr. WAXMAN] for 1 hour.

Mr. WAXMAN. Mr. Speaker, as is customary, I yield ½ hour to the gentleman from California [Mr. DANNEMEYER].

Mr. Speaker, for debate purposes only, I yield myself such time as I may consume.

Mr. Speaker, this veto is callous and cynical. The veto is callous to the needs of poor women around the Nation. And it is cynical in its pandering to the extreme right, while ignoring the mainstream of America.

The vote in the other body yesterday, a vote of 73 to 26, demonstrates that this is not a partisan debate. This is not about Republicans and Democrats. This is not about pro-choice or pro-life.

This is about free speech. This is about basic medical care. This is about the doctor/patient relationship.

We all know that poor people get very little medical care in this country. Most of that is the result of a lack of money to pay.

But in the case of this gag rule, we are talking about depriving poor people of medical advice, not because of money, but because of politics. There are good doctors, nurses, and counselors in the Federal family planning program. We are paying them to give good advice. But this gag rule will take the advice and counsel of these professionals away from poor women, women who have no place else to go.

And this gag rule is extreme: Family planning clinics have never provided abortion services. This gag rule stops doctors from warning diabetic women about the dangers of stroke and pregnancy. It stops nurses from answering point-blank questions from rape victims. It stops counselors from giving referrals even to women who ask with their husbands and families.

The gag rule is wrong. It is bad medicine. It is bad law. It is bad policy. And today I hope we can show that it is bad politics.

For the free speech of doctors and nurses, for the basic health of poor women, and for doctor/patient relationship, I ask my colleagues to override this veto.

Let me describe the basic provisions of the legislation that we are discussing. This conference report is to reauthorize the Federal family planning program, to overturn the gag rule on health professionals in family planning clinics, and to require that these clinics comply with State law that is in force regarding parental notification or consent for minors seeking privately funded abortion services.

REAUTHORIZATION IS IMPORTANT

The Federal family planning program is a key element in the Nation's effort to improve maternal and child health, lower infant mortality, and lower the rates of unwanted pregnancy and abortion in the United States. Over the years, expert review and medical research have always arrived at the same commonsense conclusion: The best solution to unwanted pregnancy is to prevent the pregnancy.

Unfortunately, this program has been held hostage in the abortion debate for a very long time. The program has been proposed for repeals, block grants, freezes, and restrictions. It has not been reauthorized since 1985 and has not had significant funding increases since its last authorization. In fact, in constant dollars adjusted for inflation, the funding of the program and its ability to provide services to poor women have declined by more than half.

The tragic result is that routine contraception services have been limited over the last decade, and that has meant unwanted pregnancy and, in turn, unnecessarily high rates of both low-birth weight babies and abortions.

With this legislation, I hope that we can expand these services and move beyond the abortion debate to the health debate. The continued use of the family planning program as a pawn in the abortion debate is self-defeating, leaving poor women with fewer and fewer ways to prevent pregnancy.

THE GAG RULE IS WRONG

We should also move to eliminate restrictions on the ability of poor women to get the best medical advice of the health professionals who provide them services. The administration has proposed regulations to limit the ability of doctors and nurses to counsel and refer patients or even to answer point-

blank questions with truthful responses.

This regulation—which is known as the gag rule—is bad medicine, bad law, and bad precedent. Title X patients—most of them poor—will not get medical advice about their pregnancy but political advice. They will not get informed consent; they will be told what to do.

This is not right. The Supreme Court may say that it is constitutional, but it is not right.

This legislation would reverse the gag rule and replace it with a codification of the guidelines that were issued by the Reagan administration on how a family planning clinic should deal with a pregnant woman. This is a simple approach: If a patient requests information on pregnancy options, she should be given that information. It should be non-directive, it should be complete, and it should be true.

This has been the practice of the program practically from the time that then-Congressman Bush first spoke in favor of it and voted for it. It was formalized by the Reagan administration. It is supported by all health provider groups, including the American Medical Association and the American Nurses Association. It should continue to be the policy of the program.

STATE LAW SHOULD GOVERN ON PARENTAL NOTIFICATION FOR MINORS SEEKING PRIVATELY FUNDED ABORTION SERVICES

Finally, this legislation contains a House amendment to require that clinics receiving funds under this program comply with any State law in force that provides for parental notification or consent for minors seeking abortions.

The first thing that I want to make explicit is that title X funds cannot be used to perform abortions. Nothing in this report changes that policy. This provision affects only title X clinics that provide abortions with totally separate, non-Federal funds.

The amendment requires that these clinics comply with State law that is in force on parental notification and consent. Like the House, the conferees took this approach because of the widely varying provisions of State parental involvement law. Some States require it, some States do not. Some States make exceptions for medical emergencies. Some States allow notification to grandparents. Some States allow counseling by clergy instead.

Rather than superseding this variety of laws, the conferees chose to recognize these laws in a States' rights manner. It would be inappropriate to override State laws in this extremely complex area through a small grants program.

SUPPORT THE CONFERENCE REPORT

In closing, I would simply reemphasize that the Federal family planning program is our best hope to achieve many maternal and child health goals. To reduce unwanted pregnancy we should make family planning widely available. To lower abortion rates we should give women the ability to prevent pregnancy. Family planning is not the problem. It is the solution.

□ 1120

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

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I stand in awe at the persistence of those who think abortion ought to be a legitimate option in a family planning clinic. They seek to advance the cause of abortion by using tax-supported family planning clinics as steering centers for abortion clinics.

Now, I have heard the term "rightwing extremists," "the extreme rightwing." I suppose that includes Governor Casey of Pennsylvania, I suppose that includes a lot of people, millions of people who oppose abortion because it kills a defenseless, vulnerable, innocent human life once it has begun.

This fetus is not a goldfish, it is not a pollywog; it is a tiny, microscopic member of the human family. And when you kill that little member of the human family, using the euphemism reproductive rights or choice, it is abortion you are talking about. When you kill that tiny baby, you kill a member of the human family, you kill his or her progeny generation after generation.

But, no, you want to do that and you want the taxpayers to pay for it.

Gag rule? What about the blindfold rule? What about your refusal to tolerate informed consent? You did not bring up the Freedom of Choice Act here because you are afraid that the Members will put an informed-consent amendment which would tell a woman when she goes in that she is talked to by a doctor. Abortions are surgery, surgery; it is not piercing an earlobe. And it can involve perforated uteruses, infections, it can involve scar tissue. I do not want a counselor, who is usually a volunteer, I do not want a receptionist advising a woman who wants information about abortion. Let the doctor do that. It is medical advice, and the doctor, only, should give it. No, you are for a blindfold rule.

The Supreme Court, in Rust versus Sullivan, has said it is perfectly constitutional for Congress to pay for family planning, which is to keep you from getting pregnant or to help you get pregnant but has nothing to do with abortion. All you have to do is look in the yellow pages and you can find abortion clinics all over. But abortion is killing. It offends a lot of people who do not want their tax dollars spent for it. And we are not members of the extreme rightwing.

Can we not have a debate on this issue without demeaning and insulting each other? I do not call you the extreme leftwing.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Speaker, family planning programs do not provide abortion services, and no one is seeking them to provide these services. But this gag rule will not even allow a doctor in a family planning clinic to explain to a woman that an abortion is an option for her to consider. And there are times when that is an appropriate consideration.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Let me say one more time what the gentleman just said: There is not 1 Federal cent going to abortion, not 1 Federal cent. This is about a family planning clinic where a woman goes in and may be pregnant, and that can be a life-threatening condition for many women.

Pregnancy can be very dangerous for many women. And what this says is, if that clinic gets Federal money, a nurse or a physician assistant or any health professional cannot tell her her rights. Yes, a physician, supposedly, can. But let me tell you, physicians' assistants and nurses and everyone else are gagged.

The President wanted to gag physicians, too; he only backed off of that because he decided they were too powerful an interest group.

Mr. WAXMAN. If the gentlewoman would yield, I just want to, I must point out, that physicians are in fact gagged. This administration tried to make it seem that physicians could counsel women and refer them to an appropriate place where they can get abortion services because these clinics do not provide those services. But if they want to know where to go to get them, they ought to be able to tell them. A doctor cannot do it. Under this regulation, a doctor could only say, "Here is a list of the places where you can get prenatal care." They may provide abortion services. A woman might say, "Doctor, I want an abortion. Which of these may I go to for an abortion?" The doctor cannot even talk to the woman and tell her where she can get that service. A physician cannot even give her that information. It is outrageous.

Mrs. SCHROEDER. A physician has half the gag in his mouth, but a physician's assistant, nurse, or anyone else has a total gag in their mouth.

Mr. WAXMAN. That is right.

Mr. DANNEMEYER. Mr. Speaker, I yield myself 2 minutes.

I want to say to my colleague, the gentleman from California [Mr. WAXMAN], maybe he did not hear the previous comment, but the regulation that we are talking about, and I will quote it again:

Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

And section 59.5(b)(1) of the regulation requires the physician to refer a pregnant woman with a health problem to medical care appropriate to her particular health problem even if that referral ultimately results in an abortion. There is no gag rule on a physician by that language. A physician is at liberty to use the full gamut of his or her professional services with respect to that refusal.

Now let me relate back, if I may, for just a moment as to how family planning started in 1970.

None of the funds appropriated under this subchapter shall be used in programs where abortion is a method of family planning.

And in the debate of the Committee on Energy and Commerce in 1970 which considered this, section 1008, and I am quoting from the committee report:

The committee members clearly intend that abortion is not to be encouraged or promoted in any way through this legislation.

That is what this law said from the very beginning.

You keep referring back to something in the Bush or the Reagan administration, and it is true that in the Reagan administration a regulation came into existence because family planning clinics around the country were violating the express prohibition in the law that was debated and clearly understood in 1970. That is why this regulation came along. The regulation, as I say, permits the physician to give all the advice that is necessary and the restriction on advice relates to those voluntary counselors, some 500, who have no training in this issue at all.

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

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SCHEUER], one of the original authors of the family planning program from the Congress of 1970.

Mr. SCHEUER. I thank the chairman.

Mr. Speaker, I want to make it clear that the doctors of America consider that the gag rule applies to them. Let me give you a statement that they made; that is, the American Medical Association:

The AMA strongly urges your firm commitment to S. 323. The gag rule—

Now this is doctors speaking—

The gag rule prohibits free and full exchange of complete medical information between patients and health professionals. The regulations compel physicians to violate their legal and ethical duties to provide complete and objective followup referrals.

Now, that is doctors speaking.

Mr. Speaker, the Family Planning Services and Population Research Act, which Senator Joe Tydings and I proposed in 1970, is a hallmark piece of legislation benefiting women and young couples. Its purpose then and its purpose now was to make family planning available to the 5 million or more American women who were lacking these services. No one can question the enormous value and benefits of the program, and I am proud to have been one of its two principal original sponsors.

□ 1130

Now, here 22 years later when the entire civilized world, the entire developed world, affords free and unfettered family planning advice to its women, the United States alone is holding back and is limiting what doctors, nurses, counselors and other health professionals can advise their women.

We are faced now with monumental problems among women, of runaway teenage out-of-wedlock pregnancy rates, runaway high instances of sexually transmitted diseases, and of course, something that was not known 20 years ago, the pitiful, tragic, heartrending AIDS epidemic. I cannot imagine what the statistics would be if there were no family planning clinics to which low-income women could go for checkups and for family planning counseling and services.

Twenty-two years later, the Federal Family Program has been gagged by the discriminatory practices that restrict a women's access to her constitutional right to an abortion and denies a physician's and counselor's right to free speech.

The doctors consider that they have been gagged. Yesterday the threat of a gag rule became a reality. Now title I doctors are forced to gag themselves and refrain from providing women with information about pregnancy options, women who now must be told that in effect their options only truly begin once the child has been carried to full term.

Many family planning clinics around the world refuse to be gagged. As a result they are being forced either to cut back services or to raise prices for those services. Either of these options would be a tragedy.

Those who are forced to rely on government for health care, including family planning services, are being denied comprehensive pregnancy counseling.

The President said a few weeks ago that he would respect his granddaughter's decision to terminate an unwanted pregnancy. If he can accept her decision, how in the world in good conscience can he deny this basic, fundamental right to those women, who like his granddaughter, wish to exercise their option.

I strongly urge my colleagues to override the President's veto of this vital piece of legislation. It is the power to restore fairness to family planning services and to give information to women absolutely necessary, uniquely necessary, to make complete, informed, and responsible family planning decisions.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, the long, tortured history of this debate really is frustrating to those of us who have tried since the mid-1980's to build a wall of separation between family planning and abortion, so that we may maintain a consensus in this country in support of public funding for family planning. That consensus will be shattered if and when we ever destroy the wall that separates it from abortion.

The history of the opposition to these regulations, which are eminently reasonable and based on sound evidence and analysis of practices that took place in these clinics prior to the implementation of the regulations has been truly astounding.

First, the opponents said they are unconstitutional. The courts made it clear that is not the case.

Then they said it would stop doctors from giving basic and necessary medical advice to women. The President clarified that through the regulations to make sure that everybody understood there was no chance of that.

Then, of course, the opponents said, "We're going to still seek to overturn it legislatively." They have failed so far down that avenue.

Now the opponents are again back in court saying the regulators need to be overturned. Why? Precisely because the President clarified the role of the doctor, and the argument is, well, we need to relitigate the entire thing, based on these new regulations.

And to make the matter more appalling, yesterday as the regulations went into effect, we find clinics across the country saying simply:

We don't care what has happened legislatively. We don't care what has happened in court. We don't care what the regulations say. We are simply going to disobey the law.

The effort to make sure that the Federal Government subsidizes abortion counseling and referral has truly been remarkable, Mr. Speaker. Indeed, its success would be tragic. There does exist in this country today a consensus that we should support family planning. It does not exist if you say family planning means advising people on getting abortions, and that is exactly what this issue is about in its bottom line.

The gentleman from New York made the point. He said we are the only Nation in the world that does not provide advice to people about all their options, not information, advice. That is precisely what we are seeking to prevent. We are seeking to prevent personnel who are not doctors, counselors, nurse, and others, from advising people to have abortions.

As long as we can keep that out of title X, the American people support

family planning. Once we tear that wall down and put the Federal Government in the business not just of allowing, not just of funding, but of promoting, advising and encouraging abortions, you are going to see the consensus for family planning that exists in this country collapse.

I hope that does not happen. I hope the House will sustain the title X regulations, which are well-conceived, sound, and if allowed to work will not be proven to have the dire effect that the opponents have indicated.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the reason the fact that the previous speaker talked about are true is because, yes, family planning is very much a part of the fabric of this country. Now that we have got into this situation, the reason first and foremost why we are having the argument is because it is about first amendment rights.

By vetoing this legislation, the President has told low-income women who use family planning situations that they do not have the same rights as those across this country who are better off.

We have told health providers by this veto that they cannot follow their true medical and clinical judgment in counseling.

This bill is important. It is about family planning. It seems to me it is so strange that it is vetoed by a man who stood on this very floor as a Member of this body and was one of the strongest advocates for family planning, so I find this veto very disingenuous, very worrisome.

The second thing that this whole situation today is about the veto. Vetoes are not leadership. It is time for us to say that to the President, as the Senate said it yesterday very loud and very clear in its override.

I urge my colleagues to do the same. Let us relegate the gag rule to the asterisk in history where it belongs and put things back on track.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would like to make three points this morning.

First of all, at Family Planning Clinics nobody urges anybody to have abortions. If you have ever dealt with a woman, who is pregnant, you would never put yourself into the position of making a decision for that person about what to do about the pregnancy. It is far too big a decision, and one with lifelong consequences for any of us ever to want to influence.

Furthermore there is literally no evidence that has been presented by those who oppose these regulations that our family planning clinics are influencing or promoting the option of abortion. All these clinics are doing is giving women full information as to their options. They can have prenatal and well-child care to carry that child to term and care for it the rest of their lives, they can put it up for adoption, or they can terminate the pregnancy. All these clinics do is present the three options, usually by providing lists of providers who can advise in each case.

Women in a free society have a right to know what their legal choices are and how to pursue the course of action of their choice.

Second, there is a very big problem with these regulations, as written because they say that doctors only can provide this information. The reality is that the people who use these clinics have no insurance, and therefore no access to a doctor. These clinics for the most part do not have doctors on site. So there is a certain hyprocrisy in saying, "We don't mind if you have the information. You just have to get it from a doctor, a source that you don't have access to."

In a free society, there is a difference between knowledge and action. All we are talking about in the legislation is assuring women having knowledge, the information they need to empower them to make the decision that is best for them in their lives, a decision that is in harmony with their most fundamental beliefs. That is what we are talking about here, freedom to have the information, the knowledge, the power that you need over your own life.

Those who oppose this bill oppose it because they disagree with the actions that some women might take. I understand that disagreement. It is a very big issue in our society. But this legislation does not fund abortion and does not encourage abortion. It only assures women full knowledge of their pregnancy and choices.

Beyond that, in a democracy, women must be trusted to make morally responsible decisions.

The gag rule regulations are a disgrace to free America. I urge your support of overriding the President's veto.

But opposing the action is an entirely different matter than opposing knowledge and the free flow of information in a free society. That is a constitutional issue.

Mr. Speaker, I urge my colleagues to support override.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, for more than a year now we have been fighting the administration's attempt to infringe on our fundamental rights. The gag rule violates the right to free speech, the relationship between doctor and patient, and the fundamental respect this country owes to women.

The gap rule creates a two-tier medical system in which poor women are denied access to the same information available to those with private health insurance. This is a betrayal of democratic principles and a betrayal of family values.

The gap rule shows that this administration is more concerned about pandering to political pressures than providing equal treatment to women or protecting freedom of speech.

Earlier this week, we failed to override the President's veto of family and medical leave. If we do not act today to override the President's veto, we are allowing censorship to become law.

My hope for the future is that we have a President who will truly be pro-family and help erase the Reagan-Bush legacy of political expediency and family neglect. Until that time, we have no other option. We must vote to override the President's veto.

Mr. DANNEMEYER. Mr. President, I yield 2½ minutes to our distinguished colleague, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, it is amazing listening to this debate—the kinds of misleading statements we are hearing, the shrinking from what we know to be the truth. When we ask the proponents of abortion if they are for abortion on demand with no restrictions, they run and hide from that. When we demonstrate that they are for abortion, abortion without restrictions so that it may be used as a birth control device, they also run from that.

They just said here on the floor that family planning clinics do not promote or perform abortions. We know that is not the case. The leading provider of abortions in the United States is the Planned Parenthood organization.

They say no one pushes abortion. Well, let me tell my colleagues this. I am going to present a very slick piece put out by Planned Parenthood of Houston and southeast Texas and just go through a couple of their statements. They are quite misleading; for instance, when they push for title X moneys to be used to counsel for abortions, they say:

"Unfortunately title X has been attacked by groups and individuals opposed to Federal support for contraception as well as abortion."

No one here is saying that we are against contraception, so they even mislead in their own brochures. They work very actively to promote that title X moneys be used for abortion. In their own piece it says:

"Moreover, the proposal would violate a woman's right to choose abortion."

They want to promote abortion and that abortions be performed in their clinics. They blatantly promote abortion in their piece. It says:

"The decision to have an abortion is an intensely personal decision which is

best made by the woman involved, without government restrictions. No woman should be denied abortion services solely because of her age or her economic circumstances."

Then they say:

"Planned Parenthood is committed to a pro-choice position. We believe that a woman must have access to all reproductive health options."

What they are talking about is that they want to use abortion as a birth control device because they listed contraception, prenatal care, abortion and adoption as options. They are blatantly promoting abortion.

And it was said earlier that no one pushes abortion in these clinics. Well, I have got a quote here from a GAO report which describes how a woman was pushed and coerced into having an abortion by a family planning clinic. She says too many people are literally encouraged to use abortion as a birth control device because of its availability. She also says it was the only solution offered.

Vote to sustain the President's veto.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise today in strong support of S. 323, the Family Planning Amendments Act which overturns the gag rule, and urge my colleagues to override the President's veto of this bill.

Title X is a primary health care program intended to make family planning services available to low-income women.

This bill is not about abortion—title X funds may not be used to perform abortions. Rather this bill is about the Federal Government telling health care professionals what they can and cannot tell patients about their health care options. Health care professionals must be free to provide information to low-income women that can be obtained by women who can afford the services of a private physician.

This is also a free speech issue. To gag health care professionals is to compromise the health and rights of women.

Let us not forget that this bill also provides resources for family planning programs which serve women seeking to avoid unplanned pregnancies.

Let us check our political agendas at the door and vote for a bill that ensures women both access to health care and the ability to make informed health care decisions.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. For a woman with an unintended pregnancy, Mr. Speaker, any decision to terminate the pregnancy, to carry the child to term, to raise the child herself, to give up the child for adoption, has enormous implications in that woman's life. With this veto George Bush tells poor women to use guesswork to make those decisions. He is telling poor women they cannot expect the informed information from nurses and social workers in title X clinics as women do who can pay for those services in fancy clinics.

My colleagues, a vote to override is a vote to stop making poor woman the victims of medical censorship. It is as simple as that, and for those reasons we ought to override George Hebert Walker Bush's veto today.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I rise in strong support of overriding the veto of the family planning reauthorization.

Members of the House, this is it. The override vote is the last opportunity we have to repeal this deplorable regulation before it becomes permanent.

This is not a pro-life, pro-choice issue. Rather it is one of gender, income, and free speech.

In a few short minutes, each and every one of you will determine the fate of 4 million low-income women who depend on the Federal Government for their health care.

As a woman, I find it offensive that this House is struggling so hard to pass legislation that simply enables women to make informed decisions about their reproductive lives.

But even beyond that, every one of us should be up in arms over this flagrant abuse of regulatory power. By prohibiting certain information, the gag rule eliminates low-income women's options and controls their choices. Congress cannot condone policies that censor the medical information received by people who are dependent on the government. We should not accept or tolerate in this body the Federal Government dictating our medical treatment of our women in this country under the pretense of moral correctness.

Furthermore, perhaps someone could tell me why a woman's right to pregnancy counseling should be determined by a group of individuals in Congress, none of whom will ever see the inside of a family planning clinic.

Members of the House, it is time to put to rest the gag rule debate. Let's get the facts straight. Title X clinics do provide family planning information and gynecological exams to approximately 4 million low-income women. Title X clinics do not use Federal funds for abortion services.

Why is it that this Congress continually struggles to pass bills designed to aid the health of women and families?

Nationwide, women will watch to see today who votes for them and who votes against them. And trust me, in 4 weeks they will not forget. We refuse to allow the Federal Government to blatantly violate basic principles of freedom and equity in our Nation.

□ 1150

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, as of yesterday thousands of women in the Commonwealth of Virginia will no longer be able to get complete, accurate, confidential medical information because for that medical information they are wholly dependent upon the 118 family planning clinics operated throughout the State, but because of economic necessity those family planning clinics had to decide that it was necessary to compromise the rights of their patients and the integrity of their medical care professionals.

The White House tells us, "It doesn't matter. We haven't gagged doctors." How duplicitous, how disingenuous to say that, when they know that 98 percent of the services in these family planning clinics cannot be provided by doctors because we cannot afford to have doctors providing these services. Ninety-eight percent of the services are provided by medical care professionals with extensive experience, fully capable of providing that information but now gagged from doing so.

Mr. Speaker, there is a human face to this issue. It is of a very young woman living in poverty with at least one child who is wholly dependent upon these services and who cannot go to any private physician's office. It is not fair what we are doing to her.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, beginning yesterday, in order to receive Federal funding, family planning clinics must comply with regulations designed to keep Federal dollars out of the abortion business. Today, the House is trying to gut those same regulations, for the fifth time in a little over 1 year.

Four times we have stood on the floor of the House and voted on this issue. Each time, abortion supporters have tried to cast this debate as one of free speech, or as one of doctor-patient relationships, or as one of family planning. This vote is not about free speech: Under this regulation, pregnant women may be referred to facilities that perform abortions, such as hospitals or community health centers, as long as their primary business is not abortion. This vote is not about the doctor-patient relationship: Under the regulations, a doctor is required to provide a woman with complete medical information about her condition. And this vote is not about family planning. The Federal Government will spend $461 million this year in direct family planning services and another $164 in family planning research, even without this particular pro-abortion bill. This vote is about abortion, and abortion is not family planning. Abortion is family cancellation.

The regulations only prohibit clinic staff from referring a pregnant woman to an entity whose primary business is abortion. The bill that the President vetoed isn't about the best interest of women's health; this bill is about spending taxpayer's dollars to drum up business for the multimillion dollar abortion business in this country. Vote to sustain the President's veto, and keep taxpayer dollars out of the abortion business.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair wishes to advise the gallery, you are welcome to be here. We are happy to have you as our guests, but it is against the rules of the House to demonstrate regarding something that is occurring on the floor.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman for yielding time to me.

Yes, Mr. Speaker, we have had to come to this well several times this year to try to prevent this administration from taking the action that it did this week.

"Keep government off our backs"—we have heard that pitched by this administration over and over again. But when it comes to women, and particularly poor women, this administration has decided that it is just fine and dandy to demand Government intrusion and control. Starting this week, yesterday in fact, the gag rule began to force the Government into every consulting room of every title X clinic and to limit the medical advice health care professionals can give their pregnant patients.

Not only does this regulation restrict free speech, regardless of what the opponents claim, it widens the growing gap between rich and poor. It establishes a medical system where one's chance of learning one's full range of options depends on the size of one's paycheck. For shame. We must keep up the fight.

Mr. WAXMAN. Mr. Speaker, will the gentlewoman yield to me?

Mrs. UNSOELD. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I would just like to point something out.

Once the Government tells family planning clinics they cannot talk about abortion because they do not want women to know about abortion for fear they may choose that legal option, how far off are we from Government telling doctors not to tell elderly people under Medicare about heart bypass surgeries because it will cost a lot of money and Government may not want to spend all that money on medical care for elderly people?

Government can start telling doctors what to do and keep people ignorant of their options. Keeping people ignorant of their options and keeping them from obtaining information is a matter of life and death in many circumstances. We must let people have an opportunity to know all the facts. The medical people must be able to discuss openly and freely with patients all that they need to know.

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman for making that point.

Mr. DANNEMEYER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, we must override the veto of S. 323, the family planning reauthorization. This bill is critical not only because it reauthorizes title X family planning programs, but because it overturns the outrageous restrictions of the gag rule.

The gag rule went into effect yesterday, beginning a policy that will lead to defensive medicine, will create a class system for women's health, and is a clear violation of the first amendment. Women who can afford private physician care will have complete information and access to these health services, while low-income women will be denied the same services, even when they are the victims of rape, incest, or life-threatening illnesses.

The gag rule is discriminatory and patronizing to women and it must be repealed. This is a critical vote for women, and I urge my colleagues to override the veto.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I urge this House to override the veto on this family planning bill.

President Bush says, "Read my lips." Today his lips say, "No information to poor women about abortion." I believe this is the first time in our Nation's history that poor people are being treated differently in the health area.

I cannot believe that there are really any women in America who do not know that abortion is legal and available. That is not the issue. What we are saying in imposing this gag rule is that poor women coming into a family planning clinic cannot even ask a question of a person there about abortion. There are probably poor women who want to know, how is it done? What are the different methods? Is it safe? Is it too late for me?

There is a whole host of other questions that are real and meaningful to this woman that need to be answered but cannot be answered because of this gag rule.

□ 1200

Not to be able to provide this information to poor women who ask these simplest questions I believe is Government-sanctioned malpractice. Not to be able to answer a woman's question about her options is Government-sanctioned censorship, which could severely endanger her life.

This needs to be focused. Not one single Federal penny is being spent on abortion, so that is not even the issue. To prevent needed information from being imparted to a woman about her health, not to ordinary women, but only to poor women, is an unconscionable policy.

Mr. Speaker, if we fail to override this veto, what we are saying in our country is there are two classes of people in our society, one of whom is poor people who cannot take advantage of all the information that America has to safeguard her health, to provide her options in terms of what she should do with her own body.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I hate to see the day that the gentleman from California [Mr. DANNEMEYER] leaves this House, because the gentleman has been a very important person in this body to answer some of the statements by the other side.

Mr. Speaker, I am so tired of this. Gag rule, gag rule, gag rule, gag rule. What is a gag rule? I mean, do you go to the VA hospital to see the staff, or do you go to see your doctor? Do you go to a lawyer's office to see the staff, or do you wait around for hours waiting to see the lawyer? Who are you there to see?

Does not the doctor have the right to advise you on your rights and what can happen with you? Where does the gag rule come in on this? What is the issue before us today?

Mr. Speaker, it is a liberal issue that you insist on hammering a President that is going to stand firm and who is right in standing firm, but we have got to continue to say gag rule, gag rule, gag rule.

There is no gag rule here. There is nothing to stop the doctor from standing up for what is right and telling you what your rights are as an American and as a woman are.

So let us forget about the gag rule and talk about the issues that are before us. To me that is for the right of unborn children and for the right of women to know what is right for them, for the terrible doctor who performs the abortion who can live with himself, for the person that recommends a person to go forward for it, that they have to live with themselves.

The first amendment, we want to say it is a first amendment right here. Well, it is not. The first amendment question was answered and addressed

finally by the Supreme Court in the Rust decision. In the Rust decision that was handed down by the Court not friendly to the pro-life cause, they are not friendly to the unborn, and they are not friendly to the mother, but on the contrary, two of the members of the majority in Rust, Associate Justice Kennedy and Associate Justice Souter, sided this year with the majority in the case to sustain and reinforce the central holdings of Roe versus Wade and the so-called right to an abortion.

So despite the shouting by those groups, which have spent millions of dollars and 4 years trying to overturn the regulation, this is not a free speech issue. It is not a gag rule issue. The fact is they have that right, and what are we here arguing about? To say that they do not recommend it, that the staff does not recommend abortions? That is garbage. We know that is garbage, so why do we not get to the issue itself, and that is what right here.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of this important legislation. We must override the President's veto, and we must preserve the integrity of our Nation's family planning programs.

Mr. Speaker, the previous gentleman said that we are sick and tired. He is right. The women of American are sick and tired.

This is not about abortion. It's about freedom of speech. It's about trusting American women with the information to make decisions for themselves. And it's about providing decent health care to American women.

Clinics around the Nation are as a matter of principle refusing Federal funds rather than accept Government censorship. But these clinics will be forced to reduce their services, and the women of American will suffer.

Think about it: In the midst of a national health care crisis, this veto will leave more Americans without vital health care services. That makes absolutely no sense whatsoever. At a time when we are trying to keep medical costs down, to not allow health care practitioners to give these vital services just does not make sense. As we know, the health care practitioners are providing essential services in all the clinics throughout this country. To not allow them to do it makes no sense and will raise health care costs in this country.

I urge my colleagues to vote to keep politics out of the examining room. The fundamental rights of women and health care providers are on the line today. We must do the responsible thing by overriding this veto and removing the gag from family planning clinics.

Mr. DANNEMEYER. Mr. Speaker, may I inquire what is the division of time remaining?

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. WAXMAN] has 12 minutes remaining, and the gentleman from California [Mr. DANNEMEYER] has 11 minutes remaining.

Mr. DANNEMEYER. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, one of the pages is going to put up a chart here. It will not be legible to anybody who follows the proceedings of this House on C-SPAN or to our guests in the gallery or to the Members on the floor, so I have a perfect facsimile of the letter from George Bush that gives the lie to what some of my distinguished colleagues have said about gagging doctors.

The chairman knows, I think he is a fair legislator and a very hard-working chairman, that all this talk about doctors being gagged is ridiculous. HENRY, it is all right here in writing. I will just read two of the four major provisions in this letter.

"Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician." That is simple English, a declarative sentence.

"Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated." Simple.

Third: "If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even—" the word even is underlined in the President's actual text, though not on the chart—"even if the ultimate result may be the termination of her pregnancy," which the President and this Member feels is the destruction of a human life with a soul.

Fourth: "Referrals may be made to title X programs to full service health care providers," that incidentally perform abortions, "but not to providers whose principal activity is providing abortion services."

These grisly mills that the gentleman from Oregon heard me refer to before skim money and cheat on their 1040's. They have no purpose other than to abort, abort, abort.

Now, family planning is family planning. A pregnant women is past the point of family planning, unless she wants to kill her child for gender selection or for convenience or for a new 1993 Mustang. Once a woman is pregnant, family planning becomes moot. A doctor can tell her to go to a full service clinic, but he cannot, under the rules of this Congress and the President, refer her to an abortuary mill that does nothing else but kill human beings and send souls back to God.

Now, look at Moses up there and Mimonides, Saint Innocent III, and Saint Edward the Confessor and Saint Alphonse X and Saint Gregory and the great Saint Louis. Look at Justinian, who was well-named. Do you think any of these people on our judgment day are going to tell us, "Don't worry, you are home free. Abortion, killing children that God ordained into existence is OK."

We had 33 Members sitting up here in the northwest corner of the gallery from the people's—not—Republic—not—of China. It is the most populous country in the world. The United States is 255 million, China is 1,255,000,000. Only India is more populous.

After the dissolution of the properly named evil empire, the Soviet Union, we became the third most populous nation in the world. And we are inching, inching inexorably toward the policies of China. And if Clinton keeps his gap and survives because 20 percent of America do not know about the character issue he will have veto-proof Houses and we are going to become as abortion-oriented as Russia and all of those so-called republics under Russia.

□ 1210

We have not yet reached the point of China. And think of this simple, logical observation. In China, the word "brother" is illegal. In China the word "sister" is illegal. Almost every one of us has a brother or sister or both. In China, however, a person cannot, if they have a child, create a brother or a sister for that child. It is illegal. That country is five times bigger than we are.

I wonder what stories those 33 people from the People's—not—Republic—not—of China, Mainland China, are going to take back. They may tell their colleagues to hang on, we kill second children here in forced, coercive abortions, but America is coming our direction.

Only Romania, where the ego maniacal trip of Ceausescu outlawed abortions after they had been legal for a quarter of a century, only there among all the Communist, Godless countries was abortion looked at as something other than a medical procedure. And it is unfortunate that Romania has given the anti-abortion movement a real name among many not so well informed about this stain on our country.

Family planning is not abortion.

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

Mrs. BOXER. Mr. Speaker, I thank the chairman for yielding time to me and I thank him for his great leadership on this important issue.

Following the former speaker, I would like to bring us back to America. This is America, and we have the greatest Constitution in all the world.

And all the countries in the world that are seeking democracy have sent for our Constitution. So I think it

would be really fitting to just read a little bit from that Constitution, from the great Preamble that says in part:

We, the people of the United States, in order to form a more perfect union and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Then if we go further into the first amendment, we see "Congress shall make no law abridging the freedom of speech."

These words are beautiful words: "liberty, freedom."

Today we should be loyal to our Constitution and to those very important concepts of liberty and freedom of speech. We should overturn this gag rule, which slashes at those fundamental freedoms.

Liberty means the right to say the truth, and it also means the right to hear the truth. And freedom of speech, that is the right to talk to someone and tell them words that one thinks are important for them to hear. It is important that health care workers be free and be able to speak freely.

So this argument is not about shouting, as some of our colleagues on the other side of the aisle have said. It is about speaking, speaking the truth to our people.

The President of the United States and Members of this House who want to outlaw abortion have not succeeded in their fight. And let me tell my colleagues the reason they have not succeeded in their fight. It is because the people disagree with them. People want to see Roe versus Wade be made the law of the land, and they do not want to outlaw a woman's right to choose.

So what the President and his allies here in Congress are trying to do is stop abortion through the back door or, actually, through the front door of health care clinics. That is wrong, my colleagues. That is wrong.

When we debate whether abortion should be legal or not, when we vote on the Freedom of Choice Act, then we will vote up or down on that question. But to put a gag around health care workers, to stop them from telling the truth, to force many clinics to turn away needed Federal funds that they need desperately to provide health care in this Nation, where already the health care system is breaking down, that is wrong.

Let us overturn this gag rule. Let us stand up for liberty and freedom of speech. Let us trust our people. Vote to override.

Mr. DANNEMEYER. Mr. Speaker, I yield one and one-half minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I am very pleased to respond to my dear friend, the gentlewoman from California. She cited the first amendment. "Congress shall make no law abridging freedom of speech." But subsidy is not censorship. Unless one is able to make distinctions like this, then I think we are in great difficulty.

Freedom of speech does not require the Government to buy a typewriter or a megaphone for everybody who wishes to exercise this right. What this family planning program is is a family planning program. It is not for abortion. It is not for prenatal or postnatal care.

Abortion is not a part of family planning. So we are getting what we paid for. The same Court that just upheld Roe versus Wade, a decision that I am sure the gentlewoman thinks is a landmark in our judicial history, is the same Court that upheld Rust versus Sullivan concerning this title X issue. It is not an abridgement of the first amendment for the taxpayers not to pay for abortion advice.

We are not setting up an abortion program. This is a program of family planning. Therefore, I hope we will sustain the President's veto.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise to urge support for the override.

Mr. Speaker, once again, supporters of the gag rule have come out on the floor and worked to say that those in the family planning clinics are pushing abortions, urging abortions, encouraging abortions.

I would say to my colleagues, before they vote, I would ask that they look at page 2 of the bill. Page 2 of the bill says very specifically all that can be offered is nondirected counseling and information, nondirected, a program that does what so many of the supporters of the gag rule say is happening. Encouraging abortion, they lose their grant. That is it.

That is why millions of Americans join those on the floor of this Congress urging that this veto be overridden and that medical censorship be kept out of the doctors' offices. The American Medical Association has made it very clear, and our colleagues have heard an effort to distort their position. They believe that the gag rule disrupts the doctor-patient relationship. So here we have a chance to be on the side of sensible medical practice, which is to get all access to relevant medical information and ensure that none of our citizens, none, are relegated to second-class medical status.

I urge the support of my colleagues to override the veto.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

By supporting the gag rule, Mr. Bush has decided that the women of America should not even talk about their legal options in family planning clinics. Instead he wants them to read his lips as he imposes the gag rule.

When a frightened, pregnant teenager seeks help and advice and medical information in the only place that she can get it, Mr. Bush wants her to read his lips, as he closes off access to good quality medical relevant information that she needs with his gag rule.

And when the rape victim finds herself in the most difficult of quandaries, that of being impregnated by the rapist, he would have her read his lips and deny her, the victim, of sound medical advice because of this gag rule.

Mr. Speaker, the President wants us to fund counseling agencies but he does not want them to counsel. Like a character from an Orwellian novel, he would have us support agencies which would only pretend to help.

I would urge my colleagues to vote to override this unfortunate veto.

□ 1220

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I rise today with no small amount of concern and anxiety about the position I find myself in. My President is not supportive of my formal position on the specific proposal before us, but I am reminded of the fact that my President, when he was a Member of the House, became a leader for family planning in this country. He took a second place to no one in proposing family planning effects that would work for all Americans.

It is with that in mind that I rise today to urge my colleagues to consider a yes vote. I do so simply because this pro-life Member feels very strongly that life is protected best by making sure that information is available to those who need it most.

I would use one personal illustration. A relative living with my wife and I, told my wife that she was pregnant and was going to have an abortion. After serious conversation, Arlene referred that relative to a title 10 clinic locally. After counseling, finally she said to me, "JERRY, as a result of the counseling I received at the clinic I have decided I am going to have my child."

Just a short time ago I had the opportunity to talk with that 6-year-old girl in Sacramento, CA. She would not have been there if it had not been for the availability of adequate and comprehensive title X counseling. It is very important, if we are pro-life and concerned about life in and out of the womb, that we are willing to recognize that there needs to be counseling available to all Americans in a fashion that is timely, and that provides them with the information needed to make a balanced judgment.

Mr. DANNEMEYER. Mr. Speaker, I yield 5 minutes to my colleague, the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding time to me.

Mr. Speaker, it is truly a pity and a disgrace, really, that the lives of millions of innocent unborn baby girls and boys of all races and colors have so few friends in the major media and in the 102d Congress. It seems to me to be a tragedy with few parallels in modern times, that so many of the most gifted men and women of our day, including colleagues that I like and respect, are unwilling or perhaps are politically unable, or so they think, to look beyond the ultraslick propaganda that so cleverly sanitizes the butchery of abortion.

We all know in our heart of hearts, Mr. Speaker, that the easy sophistry of choice is merely a smokescreen, an artful dodge, designed to absolve us of our responsibility to the innocent child in the womb and to his or her mother, both of whom need compassion and tangible assistance. We myopically wash our hands of the responsibility to protect vulnerable babies from suction machines, from sharp knives, and chemical poisons, and think we have done a noble thing and a good day's work.

Of course, the slick propagandists applaud and smile over the apparent success of their deception, while all the while their focus groups and pollsters suggest new and exciting ways to frame the issue in order to avoid the issue, so we get more clever and misleading terms and euphemisms like "the gag rule."

Of course, somewhere along the line, Mr. Speaker, that which is truthful, honorable, and right falls by the wayside and millions of children die needlessly while we play word games. Along the way, Mr. Speaker, children, God's most precious gift, are systematically dehumanized, devalued, trivialized, slandered, and turned into objects and throwaways.

Unborn babies' fragile bodies are cut like tumors, their skulls crushed like walnuts in a nutcracker. Poisons, including high concentrated salt solutions, are injected into babies, resulting in chemical burns, extreme agony, pain, and ultimately death. This we euphemistically call choice.

When attempts are made to end taxpayer funding for counseling and referrals for abortion on demand by nonphysicians, the issue is framed as the gag rule. Mr. Speaker, a pro-life remnant comprised of Democrats and Republicans in the House will stand tall today. Members on both sides of the aisle will join our courageous President, George Bush, in preserving the new title X regulations, regulations that are prochild, promother, and profamily planning.

I concede it is not an easy vote, because it so easily lends itself to demagoguery from certain individuals in our respective congressional districts. What else is new? By sustaining the President's veto, however, this is the right vote.

By sustaining the veto, the Members will say yes to family planning, not to abortion as a method of family planning, a position even the polls say Americans overwhelmingly back.

By sustaining the veto, Members can say yes to prenatal care.

Do not forget that the Bush regulations require a referral of an expectant mom to a provider of prenatal care. Prenatal care is the very antithesis of abortion. Parental care nurtures life, abortion destroys it.

By sustaining the veto, Mr. Speaker, we say loud and clear that pregnancy is not a disease, the baby not a cancer or a cyst to be cured by destruction.

By sustaining the veto we recognize the fact that counseling and referring teenaged mothers to abortion mills by the tens of thousands, often without parents' knowledge or consent, is a cop out of our responsibility to the welfare of the young women of this Nation.

By now the Members know that Planned Parenthood, a major recipient of title X funds, performs, counsels, and refers for over 200,000 abortions per year, and many of those abortions are on teenaged mothers.

Finally, Mr. Speaker, by sustaining the veto, we offer this organization and others, the choice: Either you are abortionists or you are family planners. Title X, Mr. Speaker, was intended to be a family planning program, not a program that facilitates the demise of America's most vulnerable minority, unborn children.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired for the time controlled by the gentleman from California [Mr. DANNEMEYER].

Mr. WAXMAN. Mr. Speaker, I had planned to close the debate, and I will, but first, I yield 1 minute of my 4 minutes remaining to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, I thank the gentleman for yielding time to me, and I appreciate my colleagues acceding to that request.

Mr. Speaker, I am not here to disagree with the arguments advanced on our side of the aisle relative to abortion. Let us make this clear what this debate is about. It is about the oath we took when we were allowed the great honor of representing people in the United States. It is about the oath we took in this well together when we raised our hands and swore that we would uphold the laws of the land. The law of the land today, like it or not, is that abortion is legal in America.

If the Members disagree with the laws, they are mandated, I believe they believe they are morally authorized to change that law, but they cannot in this country ignore that law, thwart that law, try and unfund that law. That is a direct violation of everything we stand for, of the oath that we took, of our future, and if we begin now we begin a long road to breaking that promise to the American people.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] has 3 minutes remaining to end debate.

Mr. WAXMAN. Mr. Speaker, I listened to the debate and to those who are strongly against abortion arguing that we should not overturn the President's veto because they do not want abortions in this country. I respect what they have to say and the sincerity in which they say it, but this bill is not about providing abortions or paying for abortions. It is about giving women the information that they need to make a decision for themselves.

There are some people against abortions under any circumstances. There are others that say they think that abortion ought to be performed under some circumstances, such as rape or incest. If a poor woman who has been raped comes into a family planning clinic and she wants to talk to a doctor or nurse-practitioner about the options available to her, she cannot even discuss that, even get an answer to a question about terminating the pregnancy.

□ 1230

The law had been that a family planning clinic could give a woman the three options: prenatal care, abortion, or termination of the pregnancy, but not to urge any of those options. Under the Bush administration's proposal with this gag rule, they could talk about prenatal care or adoption, but they cannot even mention the word "abortion." That seems to me unrealistic, and it is to deny people information.

The law already denies the family planning clinics the opportunity to provide abortions. That is not the issue. What this gag rule keeps from happening in a family planning clinic is a doctor or nurse or other counselor from freely, openly answering questions, maybe even answering questions that will lead a woman into changing her mind and to avoid an abortion and carry a baby to term because of the adoption option. But we should not gag the discussion and keep people from discussing all of these options.

I urge my colleagues to reject this veto, pass the bill that reauthorizes the family planning clinics, and allows all options to be discussed, and let us get on with the opportunity to avoid pregnancies through contraception and contraception counseling so that we can avoid the reason for abortions themselves which are unintended, unwanted pregnancies that may be avoided.

Mr. Speaker, I urge the passage of this legislation.

Mr. VENTO. Mr. Speaker, I rise in support of an override of the President's veto of S. 323, which reauthorizes title X, the federally funded family planning program and overturns the gag rule on federally funded family planning clinics. The President's opposition to the free flow of information in family planning clin-

ics is typical of his administration's indifference to the needs of women, particularly low-income women who use such clinics.

The central purpose of the title X program is the provision of family planning services, but for many women a title X funded health professional is their only source of primary health care. To over 4 million women, the title X program provides important medical services, such as screening for breast and cervical cancers, sexually transmitted diseases, and maternal and prenatal health advice. The gag rule will obstruct many low-income women from gaining access to primary and preventive health care services. At a time when our country is experiencing a health care crisis, high unemployment, and a weak economy, when millions of people have no health care insurance, we must not limit or qualify the availability of primary health care services and the important flow of objective information that they provide.

The gag rule interferes with a patient's ability to get confidential advice and information from health professionals. Preventing these clinics from providing information on all options deprives a woman of the opportunity to make an informed decision about her pregnancy and other health conditions.

People have a right to know their legal options whether President Bush agrees or disagrees with such options. Counselors in family planning clinics must be able to talk about prenatal care, adoption, and about another legal option, abortion. Certainly, that doesn't mean they promote it. The administration does not trust women to make decisions for themselves. President Bush does not trust women enough to allow them access to information. This is not a question of whether or not you support the right to have an abortion. It is a question of whether or not you trust women to think for themselves. The Bush administration policy in effect would remove the discussion and knowledge concerning pregnancy to the dark ages. This is clearly irresponsible and an example of ideological polarization interfering with explaining the facts of law and legal policies.

Political ideologues need to get out of the way and let women make their own decisions. The issues of repealing the gag rule is not to allow federally funded family planning personnel to encourage women to have an abortion. This hasn't been a problem in the past and it isn't a problem today. The General Accounting Office [GAO] has reported that there is no evidence of this happening to date. The Bush administration gag rule denies women access to information, interfering with a woman's ability to make a very difficult personal decision. It ignores the fact that abortion is a legal option and confuses the knowledge of a legal option with the decision to exercise that option. Decisions concerning pregnancy are some of the most difficult and personal decisions that a woman faces. Women need the information, all the information and support that is available, not a strained version of the facts censored by a politically ideological President or Members of Congress.

Mr. FAZIO. Mr. Speaker, I rise in support of the veto override of S. 323, the family planning reauthorization bill—the bill that reauthorizes funding for the Federal family planning, or title X, program.

The scope of S. 323 goes far beyond family planning, however. The title X program also provides other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America. It also provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, sexually transmitted diseases, and HIV. Without title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

California has received title X funds since the Public Health Services Act was passed in 1970. Last year, California clinics used these funds to provide services to approximately 450,000 clients. Twenty-six percent of these clients are under 20 years of age, and 58 percent are aged 20 to 29. This year, California family planning clinics will receive approximately $11 million in title X funds.

When we support contraceptive services—both care and supplies—we thwart pregnancies and, ultimately, the need for abortion. For example, according to the California Family Planning Council, an estimated 138,000 unintended pregnancies are averted in California every year as a result of publicly funded contraception. Each client seen at a title X funded clinic costs the Federal Government approximately $35 annually. And, every one of these dollars spent on family planning programs in California saves $11.20 in public costs associated with unintended pregnancy—such as Medi-Cal delivery and continuing maternity and infant care, Medi-Cal abortions, aid to families with dependent children, food stamps, and other social service costs. But the annual costs of unintended pregnancies for clients eligible for Medi-Cal coverage for maternity and infant care, AFDC, WIC, and food stamps average $9,383 for those women who carry their pregnancies to term.

S. 323 continues to prohibit the use of its funds for abortion and additionally requires that all clinics that receive funding comply with their State laws when it comes to requiring the consent or notification of a parent for minors who are seeking privately funded abortions.

However, controversy surrounds S. 323 because it contains a provision that the administration's oppressive gag rule and, by doing so, allows us to return to a policy that permits doctors, nurses, and other health care personnel to answer all of a patient's questions about her pregnancy. The gag rule, on the other hand, prevents health care providers in federally supported family planning clinics from simply informing a pregnant woman of all her options. Even if a women has been raped, is a victim of incest, or her health is seriously threatened by her pregnancy, her health care provider would not be able to tell her the truth about her choices.

This restraint is even more alarming because it goes beyond interference with a woman's reproductive health care. This burdensome regulation is a direct assault on our first amendment right to freedom of speech. The gag rule is unprecedented Government interference with the confidential doctor-patient relationship, and has been denounced by every major medical group. The gag rule dictates to our Nation's medical community what they can and cannot talk about with their own patients. The gag rule prevents women from knowing about their legal medical options.

After holding the threat of gag rule implementation over the heads of our family planning clinics for nearly 5 years, the administration has finally decided to lower the boom. It has mandated that the gag rule go into effect immediately. And, adding salt to the wound, the administration has failed to provide clinics with guidance for implementation. As a result, clinics around the country are spinning their wheels trying to figure out how to comply with this abominable mandate. They are truly in a lose-lose situation. They must choose between possibly violating State laws by not informing patients of their options, and losing their funding for not complying with this unreasonable regulation.

But S. 323 clarifies the authority of family planning clinics to provide information and counseling regarding family planning. It requires them to provide a patient with complete, nondirective information about her pregnancy, if she asks for it. And S. 323 also contains a conscience clause—a provision that says that anyone who has a moral or religious objection to discussing a patient's options regarding her pregnancy does not have to.

S. 323 has the support of all major medical groups, including the American Medical Association, the American Nurses Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association. How can we here in this Congress not support and defend a woman's right to complete, accurate information about all of her health care options?

If we truly care about the health and welfare of our people, we have no choice but to support this reauthorization of America's family planning program. Mr. Speaker, I urge my colleagues on both sides of the aisle to support the veto override.

Mr. PORTER. Mr. Speaker, given the demographic makeup of the Nation and the way districts are drawn it is probable that most Members of this body do not represent large numbers of the poor. As a result, it is likely that many Members have not heard a great hue and cry from those impoverished Americans who are most severely affected by the administration's gag rule regulation. Thus, many Members may not truly appreciate just how profoundly troubling and discriminatory this regulation is.

This issue transcends the concerns of any one interest group, of any single political philosophy or, for that matter, of any particular position on the question of abortion. At issue is the proper nature of the relationship between citizens and their government in the world's greatest democracy.

The Supreme Court's ruling in Roe versus Wade is nearly 20 years old. Since that time, and despite unrelenting efforts to pack the Court with justices who would overturn Roe, the decision has been repeatedly reaffirmed. Most recently, in the Casey decision, Justices Souter, Kennedy, and O'Connor—in an act of profound personal courage and in the face of

overwhelming pressure—concluded as a matter of law that the decision to abort a fetus prior to viability remains with the woman.

At any time, the Constitution is what the Supreme Court of the United States says it is. This is the rule of law. This is how we have chosen to live as a people and how we have, in fact, lived for over 200 years. Not just as a lawyer, but as a citizen of this great Republic, I believe we must live according to the law whether we agree with that law or not. Of course, we retain the right to work to change the law through constitutionally protected means. But in the meantime, we must live in accordance with the law of the land. Roe versus Wade is the law and there is no right to misuse the organs and agencies of government to deny to the most vulnerable and unprotected among us the knowledge of the law and their rights under it.

Mr. Speaker, we cannot tolerate in this country a government that won't tell the truth to its people. Yet this is precisely what the Department of Health and Human Services has said we must do. This regulation requires that the collective teaching of our highest court over the past 20 years be ignored—that poor women not be told the truth.

This is an enduring strain that the administration has chosen to leave on its record. History will always remember that this administration was willing to tread on a most fundamental belief—that in this democracy we never allow the Government to undermine the bond of faith that must exist between the governed and their government. We should never allow this regulation to come into effect. Never should our Government be supporting the dissemination of misleading and untruthful information to the people. It is contrary to our collective values as Americans ever to do so.

I urge the Members to override this unwise veto.

Mr. MARLENEE. Mr. Speaker, today we are engaged in another political sham to embarrass the President.

I have no problem with true family planning programs. I wish that we could approve a bill that left the whole abortion issue out of the debate. Why can't my colleagues understand that abortion is not family planning?

Why must my colleagues insist on funding programs which the vast majority of the American people do not support? Why should we increase the deficit and increase the rate of abortions by funding programs which indirectly and, in some cases, directly encourage and promote abortion?

I find this particular debate very ironic. The same day these rules went into effect, directors of family planning clinics around Montana issued a press release saying that they will continue to provide information about abortion by using private funds. Please see the enclosed news articles as printed in the Billings Gazette on September 30, and the Great Falls Tribune on October 1.

What a revelation. This has been my point the whole time. You can talk about abortion, but don't use precious tax dollars to promote your pro-choice agenda.

Their decision last Wednesday proves that the dire predictions about the fate of these pro-choice family planning clinics have not come to pass. The sky has not fallen. They're just using their own money now instead of relying on taxpayers to push their agenda. And, that's not a radical right position—that's just plain, simple Montana common sense.

[From the Great Falls Tribune, Oct. 1, 1992]

STATE'S CLINICS NOT FAZED BY GAG RULE

HELENA (AP).—Montana family planning clinics say they won't be deterred by the Bush Administration's "gag rule" prohibiting health care professionals who receive federal family planning funds from mentioning abortion.

The rules, effective today, affects over 4,000 clinics.

"We want our clients to know that we will continue to provide complete counseling and referral services," said Mary Ellen Holverson, program manager at Helena Family Planning.

Joan McCracken, executive director of Intermountain Planned Parenthood, said clinics in Billings, Great Falls and Helena also will use non-Title 10 funds to give patients full information about reproductive health care.

"We find gagging professionals abhorrent," she said in a statement. "The gag rule is a direct violation of Planned Parenthood's policy of giving complete information so women can make good decisions."

McCracken said that since Title 10 funds are essential for limited income women, the clinics will use the funds for cancer screening, treatment of sexually transmitted diseases and birth control

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[From the Billings Gazette, Sept. 30, 1992]

CLINICS WILL CONTINUE ABORTION COUNSELING

Directors of family-planning clinics in Helena, Billings and Great Falls issued a press release Tuesday saying they will continue providing information about abortion despite a "gag rule" to go into effect Thursday.

The rule prohibits clinics that receive Title 10 family planning funds from mentioning abortion.

"We want our clients to know we will continue to provide complete counseling and referral services," said Mary Ellen Holverson, program manager at Helena Family Planning.

She said the clinic will replace the federal funds with other funds, including private donations.

Joan McCracken, executive director of Intermountain Planned Parenthood in Billings, Great Falls and Helena, said her clinics also will use non-Title 10 funds to provide full information to patients.

"We find gagging professionals abhorrent," she said. "The gag rule is a direct violation of Planned Parenthood's policy of giving complete information so women can make good decisions."

She said that because Title 10 funds are essential for limited-income women, "we will use those funds, within the constraints of the new regulations, to provide cancer screening, treatment of sexually transmitted diseases and birth control."

Nurse-practitioner Julie Groepper said Helena Family Planning doesn't perform or finance abortions, but "we do provide counseling that enables the woman to make an informed choice, free from coercion from others."

Lynne Bryant, also a nurse-practitioner, said most of the clinic's patients are lower-income people who can't afford to seek health care elsewhere.

"It's not fair for affluent women, who can afford private clinics, to secure complete services while those services are denied to poor people," she said. "As nurses and doctors, we are ethically obligated to provide the same information to all citizens."

Mr. SKAGGS. Mr. Speaker, with the implementation of the gag rule, the administration has managed to set in place one of the most contradictory and dangerous health care policies I have ever seen. In its zeal to restrict a woman's constitutional right to an abortion, President Bush has decided to restrict the ability of medical professionals to do their job.

Let it be very clear—the gag rule has more to do with the availability of comprehensive and accurate medical advice than about the issue of abortion.

The authors of the gag rule believe that abortions should not be legal—and so they decided that medical professionals should be prevented from providing information or advice to patients about abortion when the government provides funds for health care. But the fact is abortion is still a legal medical procedure.

Gagging health care professionals and restricting the type of medical information they can provide places them in an untenable situation: Uphold the law and lie, possibly endangering your patient, perhaps committing malpractice; or reject the law, serve the patient's best interest, and face possible criminal charges.

When people go to a clinic, they are seeking medical treatment and unbiased professional consultation. They want, need, and deserve the best possible treatment, information, and advice. Some government official's opinion about politically correct medical choices is not only irrelevant, it's dangerous.

As is tragically so often the case with a policy intended to oppose abortion, the major victims of the gag rule are among the most vulnerable of people—low-income women, who have no health care alternative to a government-funded clinic. If the gag rule keeps health care professionals from giving them comprehensive and accurate medical advice, the patients are left in the dark. Some may end up seeking abortions in a back alley. And some of them may die from the poor medical treatment they receive in those back alleys.

In the gag rule, we face the subtle tyranny of an ideology, a tyranny being exerted over science, medicine, and freedom of speech. I respect the right of those who subscribe to that ideology to do so, but they have no right to impose it on others. We must overturn this dangerous rule.

Mr. FAZIO. Mr. Speaker, the gag rule is a violation of the patient-provider relationship—a roadblock to a patient's right to know all of her reproductive health options.

As we speak, clinics around the country are spinning their wheels trying to figure out how to comply with this abominable regulation. They are truly in a catch-22 situation—they must choose between possibly violating State law by not informing patients of their options, or losing their funding for not complying with this mandate.

This is just another one of the President's campaign gimmicks.

We have got to stop this atrocious regulation—this yoke around the necks of title X providers which provide family planning and pre-

ventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the vote to override the President's veto of S. 323, the conference report reauthorizing title X, the Nation's family planning program. I would like to commend Chairman WAXMAN for his hard work and commitment to this important issue. This conference report reauthorizes funding for title X clinics through 1997 and overturns the administration's gag rule regulations which prohibit abortion counseling in federally funded clinics.

The gag rule regulations went into effect yesterday. Congress can minimize the damage done by following the Senate vote of 73 to 26 and vote to override the President's veto of this bill.

Approximately 4 million women are served by title X clinics in the United States per year. That is an average of over 10,000 women a day. The only access to health care for many of these women is the title X programs. Since yesterday, the administration's gag rule could mean that up to 20,000 women have already been denied their constitutional right to freedom of speech

With the gag rule regulations, the administration has completely mandated what some women are permitted to hear from medical personnel and what they can discuss. The issue here is fairness. Poor women are denied their rights solely because they cannot afford to go to a private doctor.

Mr. Speaker, I urge my colleagues to support this conference report and vote to override the President's vote and protect a woman's right to freedom of speech.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objection of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 266, nays 148, not voting 19, a follows:

[Roll No. 452]

YEAS—266

Abercrombie
Ackerman
Alexander
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Jontz
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martin
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Riggs
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (TX)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NAYS—148

Allard
Annunzio
Applegate
Archer
Armey
Baker
Barrett
Barton
Bateman
Bennett
Bilirakis
Bliley
Boehner
Borski
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Combest
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
de la Garza
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Gallegly
Gaydos
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kildee
Kyl
LaFalce
Lagomarsino
Lent
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Luken
Manton
Marlenee
Mazzoli
McCollum
McDade
McEwen
McGrath
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nowak
Nussle
Oakar
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Perkins
Peterson (MN)
Petri
Poshard
Quillen
Rahall
Ray
Rhodes
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Shaw
Shuster
Skelton
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—19

Barnard
Blackwell
Bustamante
Conyers
Davis
Dymally
Flake
Foglietta
Guarini
Hall (OH)
Huckaby
Kaptur
Kolter
Lipinski
Mavroules
McCrery
Sensenbrenner
Staggers
Towns

□ 1254

The Clerk announced the following pairs:

On the vote:

Mr. Guarini for, with Mr. Sensenbrenner against.

Ms. Kaptur, Mr. Towns, and Mr. Flake for, with Mr. McCrery against.

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

Mr. DINGELL and Mr. DICKINSON changed their vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the bill was not passed, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will notify the Senate of the action of the House.

APPOINTMENT OF CONFEREES ON H.R. 5427, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

MOTION TO INSTRUCT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LEWIS moves that the managers on the part of the House at the conference on the

disagreeing votes of the two Houses on the bill H.R. 5427 be instructed to agree to the amendment of the Senate numbered 36.

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] will be recognized for 30 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes.

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

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

My colleagues, the motion that I have presented to the desk is a motion to instruct our conferees relative to the bill that I have the responsibility of overseeing from the Republican point of view.

The legislative branch appropriations bill which passed the House on June 24, 1992, was the reflection of months and months of work on behalf of my chairman and myself. It was an attempt to make some real sense out of the direction of legislative appropriations.

The bill that we had presented to the House was approximately 5.6 percent below the 1992 spending levels. The House-passed bill is a very fiscally sound bill, an effort to constrain the spending of the House.

Mr. Speaker, I made the decision in the last couple of days to go forward with this motion to instruct our conferees because of my growing disappointment in the apparent commitment of the other body to consistently move in the direction of restraining the growth of the legislative branch.

As I indicated earlier, the appropriations work on this side was attempting to draw a line that committed the House as well as the Senate to a pattern that would retract the growth of spending in the legislative branch.

In the Senate, following their committee action, on the floor, my colleague from California, Senator SEYMOUR, presented an amendment that would reflect the very attitude that was the work of this House. I must say it is important that we express one more time our commitment to cutting back and restraining the spending within the appropriations of the legislative branch.

□ 1300

For that reason, my motion to instruct would have our conferees take with them to the conference with the Senate the House's commitment to reducing the growth of spending within the appropriations of the legislative branch.

This motion to instruct would commit us to a real dollar reduction of approximately 5 percent the first year and from there, potentially over a period of 3 years ongoing reduction in the pattern of growth for appropriations in this area.

It is very important, Mr. Speaker, as we go out on the campaign trail and talk about our desire to cut back the growth of government, that the legislative branch provide the lead in that connection. So this motion to instruct essentially would have our conferees follow that direction and communicate with the Senate our intention to be very, very tough, as far as appropriations are concerned for the legislative branch.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with much of what my colleague, the gentleman from California [Mr. LEWIS] has said.

Ironically, I have just completed a study before we go to conference during the decade or so that I have been chairman as to what the increases enacted by the Senate and the House have been. It is interesting, and I have not had a chance to tell my colleague, the ranking member this, but the Senate's own budget has gone up during that period of 10 years or so about 210 percent. The House budget is half that.

So as we provide comity to the other body in allowing their requests of us essentially to go unamended and unreduced, we have in effect built up a higher and higher Senate budget in proportion to that of the House.

I think the motivation of our colleagues here is clear. We fought very diligently to reduce this budget to the lowest point of any of the appropriation bills this year. We have reached an outlay figure in the House that was unprecedented. We actually have for 2 years running reduced our outlays in the legislative branch.

So I certainly think we have the spirit of the occasion and I look forward to working with my colleagues in conference to come back with something that would make us all proud.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). 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 California [Mr. LEWIS].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 1, not voting 29, as follows:

[Roll No. 453]

YEAS—402

Abercrombie	Duncan	LaFalce
Ackerman	Durbin	Lagomarsino
Allard	Dwyer	Lancaster
Allen	Early	Lantos
Andrews (ME)	Eckart	LaRocco
Andrews (NJ)	Edwards (CA)	Laughlin
Andrews (TX)	Edwards (TX)	Leach
Annunzio	Emerson	Lehman (CA)
Anthony	Engel	Lehman (FL)
Applegate	English	Lent
Archer	Erdreich	Levin (MI)
Armey	Espy	Levine (CA)
Aspin	Evans	Lewis (CA)
Atkins	Ewing	Lewis (FL)
AuCoin	Fascell	Lewis (GA)
Bacchus	Fawell	Lightfoot
Baker	Fazio	Livingston
Ballenger	Feighan	Lloyd
Barrett	Fields	Long
Barton	Fish	Lowey (NY)
Bateman	Ford (TN)	Luken
Beilenson	Frank (MA)	Machtley
Bennett	Franks (CT)	Manton
Bentley	Frost	Markey
Bereuter	Gallegly	Marlenee
Berman	Gallo	Martin
Bevill	Gaydos	Martinez
Bilbray	Gejdenson	Matsui
Bilirakis	Gekas	Mavroules
Bliley	Geren	Mazzoli
Boehlert	Gibbons	McCandless
Boehner	Gilchrest	McCloskey
Bonior	Gillmor	McCollum
Borski	Gilman	McCurdy
Boucher	Gingrich	McDade
Boxer	Glickman	McDermott
Brewster	Gonzalez	McEwen
Brooks	Goodling	McGrath
Broomfield	Gordon	McHugh
Browder	Goss	McMillan (NC)
Brown	Gradison	McMillen (MD)
Bruce	Grandy	McNulty
Bryant	Green	Meyers
Bunning	Gunderson	Mfume
Burton	Hall (TX)	Michel
Byron	Hamilton	Miller (CA)
Callahan	Hammerschmidt	Miller (OH)
Camp	Hancock	Miller (WA)
Campbell (CA)	Hansen	Mineta
Campbell (CO)	Harris	Mink
Cardin	Hastert	Moakley
Carper	Hatcher	Molinari
Carr	Hayes (IL)	Mollohan
Chapman	Hefley	Montgomery
Clay	Hefner	Moody
Clement	Herger	Moorhead
Clinger	Hertel	Moran
Coble	Hoagland	Morella
Coleman (MO)	Hobson	Morrison
Coleman (TX)	Hochbrueckner	Mrazek
Collins (IL)	Hopkins	Murphy
Collins (MI)	Horn	Murtha
Combest	Horton	Myers
Condit	Houghton	Nagle
Conyers	Hoyer	Natcher
Cooper	Hubbard	Neal (MA)
Costello	Hughes	Neal (NC)
Coughlin	Hunter	Nichols
Cox (CA)	Hutto	Nowak
Cox (IL)	Inhofe	Nussle
Coyne	Ireland	Oakar
Cramer	Jacobs	Oberstar
Crane	James	Obey
Cunningham	Jefferson	Olin
Dannemeyer	Jenkins	Olver
Darden	Johnson (CT)	Ortiz
de la Garza	Johnson (SD)	Orton
DeFazio	Johnson (TX)	Owens (NY)
DeLauro	Johnston	Owens (UT)
DeLay	Jones	Oxley
Dellums	Jontz	Packard
Derrick	Kanjorski	Pallone
Dickinson	Kasich	Panetta
Dicks	Kennedy	Parker
Dingell	Kennelly	Pastor
Dixon	Kildee	Patterson
Donnelly	Kleczka	Paxon
Dooley	Klug	Payne (NJ)
Doolittle	Kolbe	Payne (VA)
Dorgan (ND)	Kolter	Pease
Dornan (CA)	Kopetski	Pelosi
Downey	Kostmayer	Penny
Dreier	Kyl	Perkins

Peterson (FL)	Sawyer	Tanner
Peterson (MN)	Saxton	Tauzin
Petri	Schaefer	Taylor (MS)
Pickett	Scheuer	Taylor (NC)
Pickle	Schiff	Thomas (CA)
Porter	Schroeder	Thomas (GA)
Poshard	Schulze	Thomas (WY)
Price	Schumer	Thornton
Pursell	Sharp	Torres
Quillen	Shaw	Torricelli
Rahall	Shays	Towns
Ramstad	Shuster	Traficant
Rangel	Sikorski	Unsoeld
Ravenel	Sisisky	Upton
Ray	Skaggs	Valentine
Reed	Skeen	Vander Jagt
Regula	Skelton	Vento
Rhodes	Slattery	Visclosky
Richardson	Slaughter	Volkmer
Ridge	Smith (FL)	Vucanovich
Riggs	Smith (IA)	Walker
Rinaldo	Smith (NJ)	Walsh
Ritter	Smith (OR)	Waters
Roberts	Smith (TX)	Waxman
Roe	Snowe	Weber
Roemer	Solarz	Weldon
Rogers	Solomon	Wheat
Rohrabacher	Spence	Whitten
Ros-Lehtinen	Spratt	Williams
Rose	Stallings	Wilson
Rostenkowski	Stark	Wise
Roth	Stearns	Wolf
Roukema	Stenholm	Wolpe
Rowland	Stokes	Wyden
Roybal	Studds	Wylie
Russo	Stump	Yates
Sabo	Sundquist	Yatron
Sanders	Swett	Young (AK)
Sangmeister	Swift	Young (FL)
Santorum	Synar	Zeliff
Sarpalius	Tallon	Zimmer

NAYS—1

Washington

NOT VOTING—29

Alexander	Foglietta	Kaptur
Anderson	Ford (MI)	Lipinski
Barnard	Gephardt	Lowery (CA)
Blackwell	Guarini	McCrery
Bustamante	Hall (OH)	Savage
Chandler	Hayes (LA)	Sensenbrenner
Davis	Henry	Serrano
Dymally	Holloway	Staggers
Edwards (OK)	Huckaby	Traxler
Flake	Hyde	

□ 1324

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

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the Chair appoints the following conferees: Messrs. FAZIO, SMITH of Florida, OBEY, MURTHA, TRAXLER, LEHMAN of Florida, WHITTEN, LEWIS of California, and PORTER, Mrs. VUCANOVICH, and Mr. MCDADE.

There was no objection.

MODIFICATIONS IN APPOINTMENT OF CONFEREES ON H.R. 11, REVENUE ACT OF 1992

The SPEAKER pro tempore. Pursuant to the authority granted on September 30, the Chair, without objection, announces the following modifications in the appointment of conferees on the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes.

As additional conferees from the Committee on Agriculture, for consideration of sections 7123, 7126, and title VIII of the House bill, and sections 7171 and 7173 of title VIII of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, TALLON, and COLEMAN of Missouri.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Ms. OAKAR, and Mr. WYLIE.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 9212 of the Senate amendment, and modifications committed to conference: Messrs. TORRES, HUBBARD, and MCCANDLESS.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 9232 of the Senate amendment, and modifications committed to conference: Messrs. ANNUNZIO, HUBBARD, and WYLIE.

As additional conferees from the Committee on Education and Labor, for consideration of sections 7123 and 7125 of the House bill, and sections 2173, 4246, 7102, 7134(c), 7142–43, 7151, 7171, 7172, and 7176 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, WILLIAMS, MARTINEZ, OWENS of New York, and PERKINS, Mrs. ROUKEMA, Mr. FAWELL, and Mr. BALLENGER.

As additional conferees from the Committee on Education and Labor, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, GAYDOS, and GOODLING.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 7104, 7123, 7125, and 7126 of the House bill, and sections 2171–73, 2175, 2177–85, 6220, 6231–51, 7109, 7121, 7136, 7171–74, 10011(b), 10201, 14111–40, titles XI, XV, and XVI of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mrs. COLLINS of Illinois, and Messrs. WAXMAN, SIKORSKI, BRUCE, LENT, DANNEMEYER, and BLILEY.

Provided, That solely for consideration of sections 10011(b) and 10201 and title XI of the Senate amendment, Messrs. MARKEY, SYNAR, and BOUCHER are appointed in lieu of Messrs. WAXMAN, SIKORSKI, and BRUCE;

That solely for consideration of sections 2180–85, 6220, 6231–41, and 14111–40 of the Senate amendment, Mr. BILIRAKIS is appointed in lieu of Mr. LENT;

That solely for consideration of sections 2173, 2175, 6251, 10011(b), and 10201 of the Senate amendment, Mr. MCMILLAN of North Carolina is appointed in lieu of Mr. BLILEY; and

That solely for consideration of title XI of the Senate amendment, Mr. RINALDO is appointed in lieu of Mr. BLILEY.

As additional conferees from the Committee on Energy and Commerce, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, and LENT.

As additional conferees from the Committee on the Judiciary, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SCHUMER, and SENSENBRENNER.

As additional conferees from the Committee on the Judiciary, for consideration of section 9204 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, SYNAR, BRYANT, STAGGERS, FISH, MOORHEAD, and SMITH of Texas.

As additional conferees from the Committee on the Judiciary, for consideration of title X of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SCHUMER, HUGHES, BRYANT, SANGMEISTER, SENSENBRENNER, SCHIFF, and RAMSTAD.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of titles XII and XIII of the Senate amendment, and modifications committed to conference: Messrs. STUDDS, HUBBARD, HUGHES, and TAUZIN, Mrs. UNSOELD, and Messrs. DAVIS, YOUNG of Alaska, and FIELDS.

As additional conferees from the Committee on Ways and Means, for consideration of sections 7123, 7125, 7126, and title VIII of the House bill, and sections 2173, 7171, 7173, titles VIII and X of the Senate amendment, and modifications committed to conference: Messrs. JACOBS, FORD of Tennessee, JENKINS, DOWNEY, GUARINI, RUSSO, PEASE, SCHULZE, GRADISON, THOMAS of California, and MCGRATH.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senator of the change in conferees.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3157. An act to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

The message also announced that the Senate had passed with amendments in

which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 939. An act to amend title 38, United States Code, with respect to housing loans for veterans, and for other purposes.

H.R. 1578. An act to amend title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services.

H.R. 3665. An act to establish the Little Canyon National Preserve in the State of Alabama.

H.R. 5686. An act to make technical amendments to certain Federal Indian statutes.

The message also announced that the Senate agrees to the report of the committee on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) an act entitled The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act."

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 20. An act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 1664. An act to establish the Keweenaw National Historical Park, and for other purposes.

S. 1704. An act to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

S. 1893. An act to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes.

S. 2890. An act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes.

S. 2973. An act to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma while on active duty, to study the needs of such veterans, to expand and improve other Department of Veterans' Affairs programs that provide care and services to women veterans, and for other purposes.

S. 2974. An act 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.

S. 3100. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes.

S. 3134. An act to exapnd the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to impove school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes.

S. Con. Res. 138. Concurrent resolution to authorize a correction in the enrollment of H.R. 2042.

S. Con. Res. 139. Concurrent resolution to authorize a correction in the enrollment of H.R. 1628.

□1330

WAIVING CERTAIN REQUIREMENTS AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 591

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is hereby waived with respect to any resolution reported from that committee for the remainder of the second session of the One Hundred Second Congress to provide for the consideration or disposition of: (1) a general appropriation bill, an amendment thereto, or a conference report thereon; (2) a conference report and any amendment reported in disagreement therewith; or (3) a joint resolution making continuing appropriations for the fiscal year 1993, an amendment thereto, or a conference report thereon.

SEC. 2. Notwithstanding the provisions of clause 2 of rule XXVIII and clause 8 of rule XXI, it shall be in order at any time for the remainder of the second session of the One Hundred Second Congress to consider a conference report and any amendments reported from conference in disagreement on the same day reported or any day thereafter if copies of the conference report and accompanying statement, together with the text of any amendment reported from conference in disagreement, have been available to Members for at least two hours before the beginning of such consideration. Such a conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement shall be considered as read.

SEC. 3. It shall be in order at any time for the remainder of the second session of the One Hundred Second Congress for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least two hours prior to its consideration.

SEC. 4. It shall be in order at any time for the remainder of the second session of the One Hundred Second Congress for the Speaker to declare recesses subject to the call of the Chair.

SEC. 5. Prior to the scheduling of any legislation under the special authorities provided for in this resolution, the Speaker or his designee shall consult with the Minority Leader or his designee.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

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

Mr. Speaker, the last days of the session are upon us. House Resolution 591 is the end-of-session, antigridlock resolution, also known as the recess express.

The resolution waives Clause 4(b) of rule XI. Clause 4(b) requires a two-thirds vote in order to consider a rule on the same day it is reported from the Rules Committee. The waiver applies to any resolution reported from the Rules Committee for the remainder of the session if it provides for the consideration of a general appropriation bill, or a joint resolution making continuing appropriations for fiscal year 1993, or to dispose of amendments, or any conference report.

For the remainder of this session, it will be in order to consider any conference report and any amendments in disagreement on the same day they are reported. However, copies of the conference report, accompanying statement, and any amendments in disagreement must be available to Members at least 2 hours before consideration.

Clause 2 of rule XXVIII and clause 8 of rule XXI are waived against consideration of conference reports and amendments in disagreement that meet the 2-hour availability requirement.

The rule grants the Speaker authority to entertain motions to suspend the rules—subject to a 2-hour notice requirement—and to declare recesses at any time for the remainder of the session.

Finally, the rule requires the Speaker or his designee to consult with the minority leader or his designee before scheduling legislation under the special authorities provided under this resolution.

Mr. Speaker, this is a fair resolution. It incorporates a number of suggestions from the minority. Mr. SOLOMON offered an amendment to the resolution which the committee adopted.

It is time to finish the business of the 102d Congress. This resolution makes it possible to complete our work.

I urge adoption of the resolution.

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

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with some ambivalence that I rise on this special authorities resolution, or martial law rule, as it has sometimes been euphemistically referred to in the past.

On the one hand, I am very sympathetic with the need to expedite our business in the waning hours of this Congress. We no longer have the luxury of 3-day layovers or 1-day layovers for bills, conference reports and order of business resolutions, if we are to adjourn in the next few days. And I think all of us want to get out of here in the next few days.

On the other hand, I am very leery about the potential abuses that could

occur when we allow for legislation to be rushed to the floor under very short notice, with Members not having the opportunity to know just what it is they are being asked to vote on.

I think we have a perfect example right here. Here is the HHS conference report, which weighs about 6 pounds.

Someone once said that laws are like sausages: People should not see how they are made. And that is especially true in the waning hours of this session when we are rushing to get out of here, and all sorts of legislative atrocities are committed, have been committed in the past—both intentionally and unintentionally.

Our Cloakroom phone recording, which announces the daily legislative program, often carries the message during the final days that "cats and dogs may be brought up at any time." And that is an apt description of the variety of small bills that are often called up on a moment's notice. And that can obviously make for even worse sausage in the final mix.

Having said all that, Mr. Speaker, I am reluctantly going to support this rule because we Republicans were able to get two provisions in here which otherwise would not have been included. Section 3 of the legislation allows for measures to be brought up under suspension of the rules on any of the remaining days of the session.

I would point out that House rule XXVII, the rule that is currently in effect, already provides that bills can be brought up under suspension during the last 6 days of a session. But that rule is not now in effect because we have not yet adopted an adjournment resolution, so we really do not know for sure what the last 6 days will be. We hope we are in the last 6 days right now.

At the suggestion of our staff, the majority revised section 3 to require that 2-hours notice be given prior to any measure being considered under suspension. And I want to make clear right now that I expect that notice to be made by oral announcement to the House and provided to our Cloakrooms in writing as well; that is, both Cloakrooms.

Another change that the Rules Committee accepted was my amendment to add a new section 5 that requires the Speaker or a designee to consult with the minority leader or his designee prior to scheduling any legislation under the special authorities provided for in this resolution.

That is ordinarily done anyway, but I think it is especially important that the practice be rigidly followed during these final days of this 102d Congress.

So I am grateful to the Rules Committee majority for accepting these two changes.

Mr. Speaker, there are two other provisions in this resolution which I would like to explain just briefly.

□ 1340

Section 1 of the resolution permits the same-day consideration of order of business resolutions from the Rules Committee without the two-thirds vote otherwise required under our rules. This same-day consideration of rules only applies in three situations:

First, to general appropriations bills, amendments thereto, or conference reports thereon;

Second, other conference reports and any amendments reported in disagreement; and

Third, any continuing appropriations resolution, amendment, or conference report thereon.

Mr. Speaker, I would again point out that under existing House rules, the two-thirds vote required for the same day consideration of special rules is automatically suspended on any matter during the last 3 days of a session.

But again, that rule cannot take effect until we have adopted an adjournment resolution, since we otherwise don't know which days are the last three.

This special authorities resolution is narrower than the House rule provision, since it does not apply to rules for the initial consideration of legislation.

Section 2 of this resolution provides that it will be in order to consider any conference report or amendment reported from conference in disagreement on the same day as reported, or any day thereafter, provided copies are available for at least, and this is a critical thing for Members on our side of the isle to note, for at least 2 hours before consideration.

Moreover, the rule provides that the conference reports and amendments in disagreement shall be considered as read.

Under House rule XXVIII, the 3-day layover requirement is suspended for conference reports and amendments in disagreement during the last 6 days of a session provided they are available 2 hours prior to consideration.

But again, we cannot take advantage of that rule until an adjournment resolution has been adopted, since we don't know which are the final six days of the session.

Mr. Speaker, the point I am trying to make about these special provisions is that they are not, and again, I would ask the Republican Members back in their offices to listen to this, they are not a radical departure from the existing House rules, which already recognize the impracticality of 1-day and 3-day layover requirements for various matters at the close of a session.

In conclusion, Mr. Speaker, while I realize that the minority has traditionally opposed these special authorities or martial law rules because of our apprehension about potential abuses, I am going to support this rule.

I do so because the majority has been willing to accede to our suggestions for special consultation and notice requirements on matters brought up under these expedited procedures.

I think with these minimal safeguards, and the expectation that the majority will operate in good faith and not try to pull any fast ones, and I do not think they will, we can bring this 102d Congress to a successful and expeditious conclusion.

So putting a lot of trust in my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], as I always do, and in respect to the Speaker, I am going to support this rule and hope the rest of the membership will too.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the deputy minority whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I must rise with certain apprehension about this particular rule. I think the gentleman from New York has described it well, and did the House a real service with some of the new features that he has in this rule as compared to martial rules in the past. It is clear to me that we will have more notification, and we will have an opportunity to understand better some of the legislation coming to the floor. I must say that that is a help, not only to the minority but, it seems to me, to the majority.

The worst thing that can happen to this Congress is to have a lot of legislation flying onto the floor that no one knows the content of, and yet we are being asked to act on it. Whatever amount of notification we can get gives all of us a better chance to understand what it is that is going to be voted upon.

Within the regular processes, this rule certainly is an improvement over some past measures that we have had of a similar nature. I must say, I still have some apprehensions, however, because these kinds of rules do in fact point to both our failure and to our need to do our work better. The fact is that we have now gotten used to the pattern that if we hold legislation long enough, that ultimately it will come down to the last few days, and the chances are that it will not receive as much examination in the last few days or the last few hours of a session as it would otherwise.

Ultimately, what we get on the floor is a series of bills that have been negotiated under a very stiff deadline that may not have been looked at very carefully by the people who are examining the bills within the conference committees or in other forums, and then they are rushed onto the floor in a way that they cannot be examined with the same degree of diligence that would normally be given to these measures. That bothers me, and every time we

pass one of these martial law rules we in fact encourage that process to happen in another session and in another Congress, so I express some concerns about that as a vehicle for legislating.

Second, I think we do get into fairly dangerous ground here when we have a situation where we know that measure after measure is going to come to the floor with very little understanding, either by the subject matter committees, by the Committee on Rules, or ultimately, by the full membership, and it seems to me we are setting up a pattern for that to happen.

The other thing which compounds this is that in addition to the regular processes which this particular rule intends to cover, we also are going to have a series of bills brought out here under suspension of the rules. We will have long suspension calendars over the next couple of days that will further complicate the process, and then, in addition, there are going to be a number of unanimous consent types of bills brought to the floor.

I would like to talk about those for just a second, because that is the other part of the process that it seems to me breaks down at the end of a session. That is when a whole series of bills either cannot get before the Committee on Rules, cannot get on the suspension calendar, but begin to come to the floor under unanimous consent requests.

It is the intention of a few of us on the Republican side, and hopefully we might even be joined by a couple on the majority side, to begin to examine those unanimous consent requests and hold them to particular standards, that there would have to be wide agreement among the leadership to bring the bills onto the floor, and then when we get to the last few hours of the session that they ought to be limited to bills that are of minimal consequence in terms of taxpayer involvement.

Mr. Frenzel, who served in the last Congress, and I came to the floor and we set a standard of saying, "No bill of more than $1 million will be considered under unanimous consent in the last few hours of a session." My guess is that is probably the standard we are going to want to set this time, too, that some of us are going to want to look at these bills. If they come out under unanimous consent, if they cost more than $1 million, they simply will not be eligible for consideration or they will be objected to, kind of regardless of their merits.

Obviously there is a chance for leadership and so on to get involved in all of that, and there were modifications made. In general, having a rule like this that does tend to lower the numbers of bills coming to the floor, and I would hope that maybe we could operate under that standard as before. We ought not to have a bunch of bills going through here that cost lots of money that no one knows what is in them.

Mr. SOLOMON. I would say to the gentleman, he makes some very cogent points. He brings up the concerns that we really do have. But I think we ought to support the rule.

The gentleman is going to be a member of the Hamilton-Gradison joint committee on organization.

The gentleman from Pennsylvania has been one of the leaders in trying to reform this House. I would just point out that Republican leaders have appointed their Members to the bipartisan Joint Committee on Organization. Hopefully the Speaker and the majority leader of the other body will appoint their Members so we could get down to the business of trying to reform Congress. I appreciate the gentleman's comments.

Mr. WALKER. If the gentleman will continue to yield, I think the gentleman makes a good point. This is the kind of thing that ought to be looked at as part of the reform effort, as well. If we can get all Members appointed so we can begin to think about these things as we come into the end of the session, one of the things that really ought to be looked at is this pattern of too much legislation being held to the end of the session and then not getting the kind of consideration it probably deserves.

Hopefully part of the Hamilton-Gradison effort might be to make the legislative process a little more effective and efficient so we do not end up with this kind of a pattern.

Mr. SOLOMON. Mr. Speaker, I urge support for the resolution, and I yield back the balance of my time.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 316, nays 93, not voting 23, as follows:

[Roll No. 454]

YEAS—316

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Berman
Bevill
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Byron
Camp
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Clinger
Coble
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (TX)
Solarz
Solomon
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten

Williams	Wolpe	Yatron
Wilson	Wyden	Young (AK)
Wise	Wylie	
Wolf	Yates	

NAYS—93

Allard	Gallegly	Packard
Allen	Gekas	Paxon
Archer	Gillmor	Ramstad
Armey	Goodling	Riggs
Baker	Goss	Ritter
Ballenger	Grandy	Roberts
Barton	Hammerschmidt	Rohrabacher
Bentley	Hancock	Ros-Lehtinen
Bereuter	Hastert	Roth
Bilbray	Hefley	Santorum
Boehner	Herger	Schaefer
Bunning	Hopkins	Schiff
Burton	Hunter	Schulze
Callahan	Hyde	Shaw
Campbell (CA)	Inhofe	Smith (NJ)
Carr	James	Smith (OR)
Coleman (MO)	Johnson (CT)	Snowe
Conyers	Johnson (TX)	Spence
Cox (CA)	Kyl	Stearns
Crane	Lagomarsino	Stump
Cunningham	Lehman (CA)	Sundquist
Dannemeyer	Lewis (FL)	Taylor (NC)
DeLay	Marlenee	Thomas (WY)
Dooley	McEwen	Upton
Doolittle	Miller (OH)	Vander Jagt
Duncan	Moorhead	Vucanovich
Emerson	Myers	Walker
Ewing	Neal (NC)	Weber
Fawell	Nichols	Young (FL)
Fields	Nussle	Zeliff
Franks (CT)	Oxley	Zimmer

NOT VOTING—23

Barnard	Foglietta	McCrery
Blackwell	Hall (OH)	Nowak
Bustamante	Henry	Russo
Chandler	Holloway	Savage
Collins (IL)	Huckaby	Sensenbrenner
Coughlin	Kaptur	Smith (FL)
Dymally	Klug	Staggers
Flake	Lipinski	

□ 1410

Mr. DOOLEY and Mr. PAXON changed their vote from "yea" to "nay."

Mr. SKEEN and Mr. TAYLOR of Mississippi changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 590 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.R. 590

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 (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, 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 2(1)(6) of rule XI or clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour, with forty-five minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. 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 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. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. 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 expect one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time, I yield the customary 30 minutes for the purpose of debate only to the gentleman from California, [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 590 provides for the consideration of S. 1696, the Montana National Forest Management Act of 1992. The rule provides for 1 hour of general debate, with 45 minutes to be equally divided and controlled by the chairman and ranking minority member of the Interior and Insular Affairs Committee, and 15 minutes to be equally divided and controlled by the chairman and ranking minority member of the Merchant Marine and Fisheries Committee.

The rule waives clause 2(1)(6) of rule XI and clause 7 of rule XIII against consideration of the bill.

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 purpose of amendment. The substitute will be considered as read. Clause 7 of rule XVI is waived against the substitute.

The rule makes in order no other amendments except those printed in the report to accompany the rule, to be considered in the order and manner specified in the report.

The amendments in the report are the Marlenee and Kostmayer substitutes. They will be considered in that order under the king-of-the-hill procedure. If more than one amendment is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

All points of order are waived against the amendments in the report and are not subject to amendment. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this rule provides for the consideration of three separate alternative plans which will designate as wilderness certain land in the State of Montana.

The history of the effort to designate land in Montana as wilderness is long and complex. Most recently, in 1988, the House and Senate passed wilderness legislation, but the bill was pocket vetoed by President Reagan.

Earlier this Congress the Senate passed S. 1696. The House Interior and Insular Affairs Committee reported out a bill which was similar to the legislation which was vetoed in 1988, but different from S. 1696. The House Agriculture Committee, which had joint jurisdiction over the legislation, reported out a version which is identical to the Senate-passed bill.

House Resolution 590 provides the House with a choice between three separate and distinct plans: The Interior Committee bill, the Marlenee substitute, and the Kostmayer substitute.

I urge my colleagues to adopt the resolution.

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

Mr. Speaker, this is a restrictive rule. I should say that up in the Committee on Rules we did not push for an open rule last night because the rule does make in order all the substitute amendments that were presented to our committee.

My major regret in not pushing for a rule—Mr. Speaker, I would like to respond to the heckling from the floor that came from the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, Mr. GONZALEZ. His concern over an open rule is justified, and I have to say that my concern on this rule itself is that

we are clearly breaking this wonderful record that has been established by my fellow Californian, the distinguished chairman of the Committee on Interior and Insular Affairs, a man to whom I refer as "Mr. Open Rule," along with Chairman GONZALEZ, that gentleman being the gentleman from California, GEORGE MILLER, chairman of the Committee on Interior and Insular Affairs.

I hope very much as we move into the 103d Congress that Chairman MILLER realizes that his work is cut out for him to once again attain that title of "Mr. Open Rule." I should say, Mr. Speaker, I am pleased that the rule does make in order the Marlenee substitute, which is identical to the Senate version of this legislation. I point out that adoption of the Marlenee amendment is the one way to ensure enactment of a Montana wilderness bill this year.

I would also like to point to a letter that came to the Committee on Rules from the Senate sponsor of the legislation, which states that passage of the Marlenee amendment "would be in the best interest of Montana and the entire Nation." That letter came from Senator MAX BAUCUS, and I include it and the statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

The Administration opposes House passage of S. 1696, as reported by the House Interior and Insular Affairs Committee. The Administration supports S. 1696, as passed by the Senate. During further Congressional consideration of the bill, the Administration will seek the following amendments:

Eliminate the Federal reservation of water rights for wilderness purposes.

Strengthen the provision to "release" for multiple-use management those roadless areas not designated as wilderness under the Forest Service's management plan. This would exclude from judicial review the initial decisions in the Forest Plans to recommend certain areas for wilderness designation and allocate others for multiple-use management. Such release language would be consistent with S. 1696, as passed by the Senate.

Modify certain wilderness areas to be more consistent with S. 1696, as passed by the Senate.

U.S. SENATE,
Washington, DC, October 1, 1992.

Hon. JOE MOAKLEY,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the House Rules Committee will be considering a rule for S. 1696, the Montana National Forest Management Act.

Given the importance of this legislation to my State, I respectfully ask that you and your committee carefully consider the version of S. 1696 that passed the Senate and the House Agriculture Committee. I support this legislation and believe its passage would be in the best interest of Montana and the entire nation. Particularly when it comes to the areas of release language and water rights, I believe this version of S. 1696 is by far preferable to that reported by the House Interior Committee.

However, I also want to make it clear that the agreement between Senator Burns and myself did not involve either of Montana's Congressmen. From the beginning of our agreement, Senator Burns and I recognized that both Congressmen Williams and Marlenee were free to propose changes to the Senate bill. As it turned out, they both worked to change the Senate bill as it made its way through the House Interior Committee. That is clearly their prerogative.

As a former member of the House, I have great esteem for the independence and judgment of your institution. For this reason, I recognize and respect the House's right to work its own will on S. 1696. Whatever the final decision of your committee and the full House is, I will work in good faith to fairly resolve any differences between the House- and Senate-passed bills.

Thank you for your consideration. I appreciate the time and attention you have devoted to this important matter for Montana.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

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

□ 1420

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the rule for S. 1696. This is a fair rule that gives both sides of the Montana wilderness issue the opportunity to present their proposals to address the controversy over the management of 6 million acres of national forest roadless lands in Montana.

The rule makes the House Interior Committee version of S. 1696 the vehicle for floor action. This is appropriate. The House Interior vehicle represents years of work on the part of the committee. Furthermore, the Interior Committee has the lead and has primary jurisdiction to designate national forest lands as wilderness, particularly in the West. We have worked closely with Representative WILLIAMS to achieve the vehicle that the Interior Committee adopted.

It is also appropriate in this instance that only two amendments be offered and that these both be substitutes. There are those, such as my friend, Representative KOSTMAYER, who want more Montana national forest land placed in protected status. Others, such as Representative MARLENEE, want the Senate-passed bill with much less wilderness, no Federal reserved water right and roadless lands released without judicial review. This rule would allow each side to offer their package of what they believe the Montana wilderness bill should look like. At the same time, it prevents endless amendments on boundaries and single rifle shot options that would kill the process. This rule provides deliberate consideration of this issue and avoids confusing and drawn out amendments more intended to frustrate the process than to resolve the Montana wilderness issue. And at this juncture and late date in the session, this is imperative if we are to carry out the will of the House.

I urge my colleagues to support the rule and help us get on with the process of resolving a contentious issue that has divided Montanans for 10 years.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, I rise only to thank the Rules Committee for agreeing to give this bill a rule at this late hour in this congressional session, and also thank them for complying with the request that was made by both members of the Montana delegation, that the primary players in this legislation have a full and open opportunity to offer the substitutes which we all requested. So I am very grateful to the Rules Committee and I thank them for this opportunity.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Montana [Mr. MARLENEE], the very able author of the one of the important substitutes in this bill.

Mr. MARLENEE. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding me this time.

I wish to extend my thanks to the Rules Committee for making in order my particular substitute to the Montana wilderness bill; however, it is not my substitute, but it is, as a matter of fact, a compromise crafted by many Montanans, by the two Members from the other body who have hammered out an agreement and would have liked to have seen that agreement move forward in this body as the vehicle to eventually be signed by the President. As a matter of fact, it may be the only opportunity that this body has to complete a Montana wilderness bill in this particular session of Congress.

I would have hoped that we could have come to an agreement, that we could have put this Senate compromise into the House, passed it expeditiously, at which point the President would have signed it and we would have ended the conflict. We would have ended the controversy. We would have allowed for professional management to continue in Montana.

I do not know if that is possible at this particular juncture with the kind of rule we have.

I would hope that we could pass the Senate compromise, which will be my amendment. If not, the prospect that we face is to go to the Senate for a conference committee and then return after hammering out the many differences between the House version and the Senate version.

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

Mr. MARLENEE. I am happy to yield to the gentleman from Missouri, the chairman of the Subcommittee on Forests, Family Farms, and Energy, of the Committee on Agriculture.

Mr. VOLKMER. Mr. Speaker, may I ask, is the gentleman's substitute the same or identical to the bill that was reported out of our subcommittee and of the full Committee on Agriculture?

Mr. MARLENEE. It is exactly the same.

Mr. VOLKMER. As the gentleman knows, we worked with both the gentleman from Montana [Mr. MARLENEE] and the other gentleman from Montana [Mr. WILLIAMS] to keep this process moving, and we are happy that we are here today.

I have some disagreement with the Interior Committee as to the release language which is in the jurisdiction of the Agriculture Committee, as well as the Interior Committee.

Hopefully if their version does prevail today, that they will be able to work that out with the two Senators from Montana and we can complete the action on this wilderness bill, which I know all the people from Montana have worked very hard on for these many years.

Mr. MARLENEE. Reclaiming my time, Mr. Speaker, I thank the gentleman, my chairman of the Forests Subcommittee.

I want to thank the chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA] for helping us to expeditiously move the process forward, as I had promised that I would do.

So now we are at the fork in the road, the juncture, if you will, as to which one of these will pass, go to conference and has the potential of being completed in time before this session ends.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, I thank the gentleman from Tennessee for yielding this time to me.

Mr. Speaker, I regret that we are considering this bill today under a rule which will provide for the consideration only of two substitutes.

I agree with the argument that we should not be considering a multitude of rifle shot amendments to make adjustments to individual boundary lines in individual areas; but unfortunately, this rule will prevent consideration of some very fundamental issues which should be before the House as we deal with this bill.

Traditionally, wilderness bills have been land allocation bills. That is what we see before us today, a bill which protects a certain amount of varied wilderness, sets aside additional areas for study and which releases areas beyond that.

Unfortunately, our understanding of how forests and natural systems function today has far outstripped the means by which we make these decisions. I am sorry that we will not have the opportunity today to consider legislation which takes more of an ecosystem approach and looks at these forests and these natural areas from the perspective of what is necessary for us to do to sustain their productivity and to sustain their existence over some period of time.

Regrettably, we have no guarantee in passing this wilderness bill or any of the options before us that we are achieving that most fundamental purpose of ensuring that the productivity of these forests and the related lands will be perpetuated for the benefit of not just our generation, but many generations to come.

We need to be looking at this issue, not from the standpoint of the traditional means of allocating lands in a different category, but are putting into place an independent scientific study of what is necessary to sustain these natural systems, to preserve them from the standpoint of their productivity and their benefits. That is a fundamental issue which needs to be debated in this legislation today.

I also regret that we will not have the opportunity to consider today another fundamental issue relating to the forests of Montana, and that is the issue of low-cost timber sales. When lands are released under this legislation, they will go into the timber base for sale of timber under the various timber plans.

Unfortunately, this will not be a good thing for the taxpayers of our country. There are 10 national forests in Montana. According to the Wilderness Society, all of them lost money this last year on timber sales, a total of some $27 million.

The Forest Service itself admits that 9 out of the 10 forests, based on their calculations, are losing money somewhere in the vicinity of $15 million.

We should not be proceeding with timber sales from these forests which are such big money losers for the taxpayers of the United States.

Just to take one example, the Bitter Root National Forest Treasury receipts, $215,000.

Treasury cost, $3.7 million, for a net loss to the taxpayers of the United States of $3.5 million.

□ 1430

Mr. Speaker, those are figures according to the Wilderness Society. The Forest Service would show losses somewhat less than that, but losses nonethesame.

We should not be maintaining the policy of selling this timber below cost; that is an issue that should be coming before the House today. I regret that we will not have the chance to offer that issue.

Mr. Speaker, these issues will not go away. They will be addressed again on this floor at a future date. I am sorry they will not be addressed today.

Mr. DREIER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I, too, have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 590 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 Senate bill, S. 1696.

□ 1431

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 Senate bill (S. 1696) to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, with Mr. DONNELLY in the chair.

The Clerk read the title of the Senate bill.

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

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 22½ minutes, the gentleman from Montana [Mr. MARLENEE] will be recognized for 22½ minutes, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 7½ minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 7½ minutes.

PARLIAMENTARY INQUIRIES

Mr. MARLENEE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARLENEE. Would the chairman outline for me the procedure under which the amendments will come before the full House?

The CHAIRMAN. The Chair will read the statement at the end of general debate, but, if the gentleman from Montana [Mr. MARLENEE] asks unanimous consent to have it read at this time, the Chair would be willing to read it at this point in the RECORD.

Mr. MARLENEE. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MARLENEE. How much time are we allotted on this side?

The CHAIRMAN. The gentleman from Montana will be recognized for 22½ minutes.

Mr. MARLENEE. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, S. 1696, as reported by the Committee on Interior and Insular Affairs, addresses the controversy over 6 million acres of national forest roadless lands in Montana. The committee's bill is an important conservation measure that deserves the support of the House.

S. 1696 as passed by the Senate did not adequately protect the wilderness resources that exist in the national forests in the State of Montana. The Senate-passed measure left out key areas that would be valuable additions to the National Wilderness Preservation System. The Senate bill failed to give designated wilderness a reserved water right; a difficult issue, but one that must be satisfactorily resolved. The Senate-passed measure also had release language that restricts the public's ability to challenge Forest Service actions in court and allowed commercial timber harvesting and mining in national recreation areas. These flawed provisions made the Senate version of the bill unacceptable. As a result, the Interior Committee has amended S. 1696 to correct these problems and it is this amended version that is before us today.

Most aspects of the Montana wilderness issue are of national importance and transcend that individual State. I have had thousands of Minnesota constituents, as well as others from around the country write, call or otherwise contact me to express their concerns with the Senate-passed Montana measure. Rarely has this type of response and interest occurred with regards to wilderness measures. Many are so concerned that they want us to drop the entire effort and start out next year with a much broader wilderness measure.

Over this past summer, Congressman WILLIAMS, myself, and others worked on an appropriate response to address many concerns raised about the Montana wilderness issue—concerns that I voiced and concerns voiced by the people of Montana. The bill we bring before you today reflects these concerns and is the direct result of Congressman WILLIAMS' help and support. The boundary changes and other provisions in the bill the Interior Committee adopted were offered by Mr. WILLIAMS. Except on the question of water rights and release language, he and I are in agreement on all the provisions of the amended bill.

The Interior Committee version of S. 1696 improves the Senate-passed bill in several significant ways. It places at least 300,000 more acres into protected status; guarantees a reserved water right for wilderness consistent with past wilderness bills that the House has passed and that have been enacted into law; it uses an updated version of the standard release language that we have used in past wilderness bills; and leaves wilderness study areas in protected status until Congress acts. As a result, this legislation would now designate 1.4 million acres of wilderness, 150,000 acres of special management areas and 262,000 acres of new wilderness study areas added to the 700,000 acres already in wilderness study status. This bill is appropriately stronger in environmental protection than the bill that passed both Houses in the 100th Congress and was vetoed by President Reagan. We know more today and are appropriately acting on such data. This is a sound bill and a good work product.

In all the controversy surrounding Montana wilderness, let's not forget why we must protect Montana's national forest wildlands. These lands include not only some of the Nation's most spectacular scenery, but also an irreplaceable wildlife and fish resource, including threatened and endangered species such as the wolf and grizzly bear. The wild places of Montana are truly a resource of national importance and a heritage that Montanans are justly proud to preserve.

It is important that we resolve the Montana roadless issue in this session of Congress. We already have spent 10 years trying to find a resolution. In 1988, Congress was able to pass a Montana wilderness bill, only to have it vetoed by President Reagan. The first and only National Forest Service wilderness measure vetoed in 20 years since the enactment of the basic wilderness law. As the years go by, 6 million acres of unprotected national forest roadless lands are becoming increasingly vulnerable to development. Further delay could lead to specific rifle shot actions—at the very least, action that results in road construction, mining, and timber harvesting in the heart of Montana's most scenic wildlands—at the worst, an unprecedented action that the Forest Service may decide to just protect its own recommendations in the forest plans and the congressionally designated wilderness study areas and go ahead on its own and release 4.8 million acres to general forest management. It has the legal authority to do this. Thus, it would be irresponsible for us to stop the legislative process and leave these lands threatened. The only way to truly protect wilderness is to act and to pass wilderness bills. Abandoning the legislative process at this point would seriously harm public policy—not help protect wilderness.

I urge my colleagues to support this bill which is a significant addition to the National Wilderness Preservation System and protects some of the most spectacular wildlands in America.

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

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

Mr. Chairman, we are about to consider a piece of legislation that will impact Montana's future for years to come. It will impact, in effect, our ability to provide the funding for the infrastructure of the State of Montana. The Williams-Vento bill, the way it is drawn, indeed does have many errors. It has some real abuses to providing funding for the infrastructure and should be rejected in favor of a piece of legislation that was hammered out, by the two Members of the other body. We call it the Burns-Baucus compromise. It was drafted with the help of many interest groups in the State of Montana. The Vento-Williams bill, if enacted, will preclude the collection of $1 billion in taxes over the life of a potential oil field on the Rocky Mountain front in Montana; $500 million, of those taxes over the 10-year life of the field would go to support our schools and universities in the State of Montana. That in itself is reason enough to reject the Vento-Williams bill.

In addition to that, Mr. Chairman, we have private property that has been included, if I may have the attention of the chairman of the subcommittee, the gentleman from Montana [Mr. VENTO], in that wilderness private land. I have here a letter with the heading of the Montana State Senate written to me by Lorents Grosfield, and I submit that letter for the RECORD.

MONTANA STATE SENATE,
Helena, MT, October 2, 1992.

Representative RON MARLENEE,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MARLENEE: I am writing regarding the Minnesota-Williams version of the Montana Wilderness Bill that apparently is likely to pass the House today. I write for three primary reasons.

First and foremost, the release language is not adequate in this version, and express federal water rights language is inappropriate. I am confident that federal water rights needs will be adequately addressed in the Montana Reserved Water Rights Compact Commission process. I serve as a member of that Commission.

Second, the Crazy Mountains additions are also inappropriate. The designated Crazy Mountains Wilderness area contains private lands, some roads, some recently logged-off areas, and indeed a hunting lodge on one of the private sections. This addition was obviously hastily drawn and should not be designated wilderness. Perhaps the land consolidation study is appropriate, though I don't sense local support for it—instead of designating a wilderness area here, that area too should be the subject of land consolidation study, as well as wilderness suitability study. To my knowledge, there has never been a wilderness suitability study of the Crazies. (I own four sections within the wilderness study area in this bill.)

Third, there is no local support in either of the affected counties that I have heard of at this point. In fact, local people are quite upset that this can happen so quickly to our area, with very little chance for input, and they are opposed to it. Although the Montana Wilderness Association is currently sponsoring a pro-wilderness ad on local radio, neither they nor anyone else has asked the local area for their input on this issue. I have yet to hear the first local person express support for what is happening here.

I urge you to stand firm in your opposition to this bill.

Sincerely,

LORENTS GROSFIELD.

□ 1440

This is from Senator Lorents Grosfield of the Big Timber area.

Mr. Chairman, the Williams-Vento substitute to this bill should be defeated and the Senate compromise passed so that we may proceed with the business of professional management of our public lands in Montana.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MILLER], the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, first of all, I want to commend all of the members of the Committee on Interior and Insular Affairs who have spent many hours in hearings, debate, and negotiations over this legislation. This has not been an easy piece of legislation. But like most of the legislation that deals with the issues surrounding the designation of wilderness, it has been difficult, it has been troublesome, it has been painful, and there has had to be give and take on all sides.

Mr. Chairman, for many years the Interior Committee has been bringing before the House wilderness bills much like the Montana wilderness bill we consider today. By that I mean a bill that meets our obligation to protect the remants of the magnificent wilderness that is at the heart of our natural heritage, while fairly and responsibly recognizing the legitimate interests and concerns of local residents.

For more than a decade, it has been the House and the House Interior Committee that has set the standard for achieving that kind of balance. When all the dust of competing proposals and amendments has settled, the record will show that the wilderness designations and the management provisions crafted by the House and the Interior Committee have been the basis for laws signed by both Republican and Democratic Presidents.

Today, you will hear this bill attacked from the left and from the right. You will hear that the bill locks up too many resources, that it does not treat lands not designated as wilderness in the same way as in the past and that it violates Montana's rights to control its water. But as the gentleman from Montana [Mr. WILLIAMS] will tell you, we have worked long and hard with Montanans to draw the boundaries and select the wilderness areas that meet their concerns. At the same time, the release and water rights language represent positions that the House has taken time and time again.

From the other side, you will hear that the Interior Committee bill is inadequate, even that it is a sellout of Montana's remaining wildlands. I sympathize with those who have watched our forests mismanaged, our old growth cut down and our wilderness roaded and who warn us that we are approaching a real crisis.

But to characterize the Interior Committee bill as anything less than a strong statement for protection of Montana wilderness is just plain wrong. We have added more than 300,000 acres to the Senate bill, removed the ability to cut timber and build roads in more than 150,000 acres of special management areas, removed the Senate's 5-year sunset on wilderness study areas, added standard House water rights language and, perhaps most importantly, eliminated the Senate's unacceptable release language that would have placed more than 3 million acres of lands not designated as wilderness in jeopardy of inappropriate development by restricting judicial review of Forest Service decisions.

Despite all the criticism, Mr. Chairman, I know that any honest and dispassionate analysis would conclude that this bill is cut from the same cloth as Forest Service wilderness bills—now law—for Washington and Oregon, for California, for Arizona and New Mexico, for Utah, Nevada, Colorado, and Wyoming and many other States. They are all bills that sprung from this House and they are all laws of which this Congress and this Nation are justifiably proud.

The House has a responsibility to exercise its own considered judgment with regard to which areas should be designated wilderness, how the Federal rights to protect wilderness water resources should be exercised and how lands not designated should be managed.

I am confident that the Interior Committee has done so in a responsible and reasonable manner under extremely difficult circumstances and I urge my colleagues to support it.

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

Mr. DANNEMEYER. Mr. Chairman, this map I think gives us an idea of what is up with respect to what I call this Federal Grab Act of 1992, at this time directed toward our friends from the State of Montana.

Mr. Chairman, one can see from this map the blue is current ownership of Federal lands in America. The Federal Government owns most of the land in the Western States of America. In my State of California they own about half of it. In the State of Montana, the percentage is roughly one-third in Federal ownership today.

Mr. Chairman, I therefore have a question for the gentleman from Minnesota [Mr. VENTO], and I mean this sincerely. How much is enough? When will this preservationist movement moving across this country to take into public ownership land after land, when is enough? How much?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the measure before us does not acquire any new Federal land. We are designating and classifying how existing Federal land is used. We have 6 million acres of national lands in this bill. We are going to release to general use about 3.5 million acres of national forest land and retain in conservation designation about 2½ million acres.

Mr. DANNEMEYER. Mr. Chairman, reclaiming my time, I will tell Members who I took the time to come down on the floor and debate this issue. I am from California, I am not from Montana. But I have watched over the years the methodology of what is taking place in this country through the good auspices of the subcommittee the gentleman from Minnesota [Mr. VENTO] chairs, and the committee chaired by my good friend from California [Mr. MILLER].

Mr. Chairman, I mean nothing personal toward either of the gentlemen, because they are the spear carriers of a movement called preservationism in America.

□ 1450

Dixy Lee Ray, in her book "Trashing the Planet," has written eloquently about this movement.

I am not necessarily including the gentlemen as being willing participants in this movement. I think they are being carried along.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I want to admit to being a willing carrier of the spears of preserving and conserving our natural resources. I am pleased that the gentleman would have a proper response here that I am a willing carrier of these environmental spears.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I, too, would like to plead guilty.

Mr. DANNEMEYER. Mr. Chairman, the gentleman pleads guilty to that as well.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I could say that I probably have observed that my colleague, my good friend from Minnesota is a spear carrier for that particular movement, but he has got the spear aimed at the heart of the State of Montana and he does not have to live with the unemployment and the displacement of the communities from the spotted owl or from the creation of wilderness. That is the problem with the bill today.

Mr. DANNEMEYER. Let me just say, this is what Dixy Lee ray wrote in her book "Trashing the Planet." She says, in part:

> The great majority of those who make up the membership of the Audubon Society, Sierra Club, National Wildlife Federation, Wilderness Society, Nature Conservancy, and countless other groups are fine, decent citizens. They are honest, honorable supporters of a good, clean environment and responsible human actions. However, the leaders of some of their organizations, such as the Natural Resources Defense Council, Friends of the Earth, Earth First, Greenpeace, Government Accountability Project, Institute for Policy Studies, and many others, are determinedly leftist, radical, and dedicated to blocking industrial progress and unraveling industrial society.

Some of these people, and I quote from page 165 of Dixy Lee Ray's book, by the way, she is a member of the Democrat Party, former Governor of the State of Washington, former Chairman of the Nuclear Regulatory Commission:

> They also tend to believe that nature is sacred and that technology is a sacrilege. Some preservationists appear to be in favor of taking mankind back to pantheism or animism.

One of their prophets, Thomas Lovejoy, tropical biologist and Assistant Secretary of the Smithsonian Institution, says:

> The planet is about to break out with fever, indeed it may already have, and we human beings are the disease. We should be at war with ourselves and our lifestyles.

Paul Ehrlich, a Stanford University biologist:

> We have already had too much economic growth in the United States. Economic growth in rich countries like ours is the disease, not the cure.

Kenneth Boulding, originator of the "Spaceship Earth" concept:

> The right to have children should be a marketable commodity, bought and traded by individuals but absolutely limited by the State.

And just one more, David Brower, Friends of the Earth:

> Child bearing should be a punishable crime against society, unless the parents hold a government license. All potential parents should be required to use contraceptive chemicals, the government issuing antidotes to citizens chosen for child bearing.

Nice people. One would think, who is really impressed with this group of zealots that I have described here?

Do not underestimate their political clout in the Congress of the United States, because this movement that I have described, my colleagues, is controlling what this Congress will be doing in terms of energy and environmental policy in the United States today. And that is the sad, tragic result for all of us.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, is the gentleman inferring that when Whoopi Goldberg, Goldie Hawn, Robert Redford, and that crew of people come up here and tell us what kind of a Montana wilderness bill we should have within the State of Montana, that they are involved in that type of activity?

Mr. DANNEMEYER. Mr. Chairman, the gentleman really knows that the tweaking of the social consciousness of these paragons of virtue, who have tremendous earning power as a result of being leaders in the entertainment industry, has caused some of them to have pangs of conscience whereby they feel a duty to save America from ourselves. And they are being unwittingly used, in my judgment, by people across this land to carry the message of this preservationists movement that sadly for all of us is controlling in the Congress of the United States, because I have witnessed the game.

Each year, without exception, the Committee on Interior and Insular Affairs, led by the gentleman from California [Mr. MILLER] will bring to the floor the designation of a wilderness area on the idea, when the Members come in to vote, well, it is not my State, it is not my congressional district, maybe they will pick on somebody else next time. And so we all have a tendency to say, in this instance, I am going to vote for the preservationists and get a good chit on their side. Maybe they will not pick on my district next Congress or next year. That is the game.

We should understand, Mr. Chairman, that this movement called the preservationists movement has a claimed membership, and this is from the records of the Federal Elections Commission, of some 25 organizations comprising almost 6 million people. And they are not underfunded. They claim that their annual budgets total some $544 million a year.

There is nothing illegal about this. They have the right, in a free country, to organize, to petition the Government. But the power that they have today is so awesome that at a time when we are spending $50 billion a year in a negative trade balance to buy oil from around the world to fund the way we live, this measure, if adopted, is going to lock up 2 to 3 trillion cubic feet of natural gas as part of this wilderness.

Now, will somebody please explain to me the logic of why the Congress is now considering a major energy bill passing through the House, and I am a conferee on that energy bill, whereby we are short of energy, natural gas and oil, and we are going to lock up a resource containing 2 to 3 trillion cubic feet of natural gas?

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, let me just say to those who are listening that in the last 300 years in North America, we have destroyed 95 percent of our forests. We have about 5 percent left.

Mr. DANNEMEYER. Mr. Chairman, reclaiming my time, Dixy Lee Ray, right here in this book, has said that today we have more trees growing in America than we did in Revolutionary Days. That is because of the good stewardship, not all the time, but this good stewardship of the people managing the timber resources of this country.

I think the prudent thing for the House to do is to recognize that this Nation not only has a need for the energy in this wilderness area but we should have a sensitivity and concern for what we are about to do to our friends in the State of Montana.

The sensible thing to do is to vote down this Federal land grab act of 1992.

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

Mr. VENTO. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS], a sponsor of this legislation.

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

I am in support of this legislation. I hope for some improvement in the final negotiated legislation.

No issue, has been more heatedly debated or considered at more length by Montanans than has this issue before the U.S. House of Representatives. This ritual has become a tragic pastime for the congressional delegation and in spite of everyone's agreement that the task must be accomplished we have yet to reach that goal. Such it seems is the fate of these pieces of legislation that become political footballs with more worth to some as political fodder than as solutions to real, difficult problems.

In 1988 President Reagan took the ultimately cynical position and vetoed the Congress' work to resolve this issue. Montana jobs, livelihoods, lifestyles, and economic stability were sacrificed for political gain. Montana has been left to twist in the winds of litigation, uncertainty, and economic loss.

This Montana wilderness bill and the 10 which have unsuccessfully preceded it have been debated, discussed, argued about, fought over, considered, amend-

ed, researched, analyzed, dissected, repaired, and tragically—finally rejected.

This legislation represents a triumph 15 years of consideration and public participation. Not since Statehood have so many Montanans involved themselves in the consideration of an issue before the U.S. Congress.

Twenty or more hearings spanning 13 years, 120 hours of direct testimony, 3 consecutive days of hearings in Montana with 21½ hours of testimony and 7 additional days of hearings, also held in our state.

No one has been left out of this important process of deciding the use and management of Montana's last great wild lands.

The process, frankly, has taken too long, and was more divisive and partisan than was good for our State.

But we are, hopefully, almost finished. Only passage through this House, compromise with the Senate and the Presidential signature remains.

Let me make this point clear—this is a jobs bill as much as it is a wilderness bill. Organized timber workers in my district support our efforts here today because they are intimately aware of what inaction has done to them and their fellow workers. Some people involved in this debate seek only political advantage, some seek to only secure short term profit, some seek to only express aloof philosophical concepts. The timber workers are in it for one reason, long term protection of their jobs and stability for their communities. I believe we should listen to them.

I have during the past several months appreciated very much the efforts of my colleagues who worked with us to bring forward this legislation. I want to make this point very clear: The areas and boundaries in this legislation are the ones I supported. For that reason I offered the substitute in full committee.

Virtually all Montanans who were involved in reviewing the Senate's work recognized the need for some changes. I want everyone to understand that Montana's two Senators have endorsed changes, such as, adjustments for folks in the Beaverhead along the West Big Hole, adjustments for the Maverick Mountain Ski hill, for mining companies and mining jobs in Camas, and the addition of wilderness in the North Big Hole, and there are others.

I brought changes to the Committee from many Montanans who opposed the Senate legislation. Montanans have worked hard in looking closely at the Senate bill and making reasonable recommendations for changes. I have spent most of this year meeting with Montanans: with industry folks, conservationists, sportsmen, recreationists—including motorized recreationists—people concerned about water rights—a whole year. For the most part the Interior passed bill reflects the wishes of Montanans.

There is something for all of them here. There are areas opened for motorized recreation that were closed by the Senate bill, in places like Lionhead, the Sapphires, and the West Big Hole. There are mining proposals that the Senate would preempt in places like Axolotl Lakes and Camas. And there are areas added to wilderness that Montana hunters and anglers identified as critical to maintaining Montana's hunting and fishing opportunities. These additions for our wildlife and our big game herds are made in places like the Crazy Mountains, Trout Creek, Cowboy's Heaven, the Rocky Mountain Front, and the Yaak. One can not hunt if there is nothing to shoot at and we can't fish if streams are polluted and the spawning grounds ruined. These additions assure Montanans will continue to be good stewards of the last best place.

Many of the provisions in this legislation come directly from Montanans. In the Northwest miners and conservationists sat down and compromised the Scotchman Peak wilderness. A young handicapped woman's observations at a public meeting are in this bill in the form of the Ross Creek Cedars National Recreation Area. There is special considerations for help given to miners in Virginia City and loggers in the Gallatin.

There are the clear marks of the folks along the Rocky Mountain Front in this legislation and the signs of careful consideration of the timber base all across the State. It is hard to estimate the number of Montanans who took time to place their imprint on this bill and it would be even harder to count the countless hours of meeting, discussion and compromising that has taken place these past 13 years. If every issue we considered in the Congress received the attention this bill has then I believe we would make far fewer mistakes.

This bill is a fine tuned work of compromise and it deserves both passage here today and the pride of all the folks across Montana who worked to make it possible.

As I observed earlier there will be many things about this legislation asserted here today. Here are a few of the facts about this legislation.

First, what this legislation accomplishes:

This legislation designates 1.44 million acres of wilderness in the State of Montana. This is about 200,000 more acres than were passed by the Senate. Half this acreage is additions to existing wilderness areas.

This legislation creates 150,000 acres of new National Recreation Areas, designated for the preservation of all types of outdoor recreation, particularly motorized.

This legislation sets aside 988,000 acres of land that require particular attention in my State before the areas can receive proper management and be released the regular forest plans. These areas have problems with longstanding Indian treaty rights, extensive checkerboard ownership problems, or contentious access and recreation issues.

This legislation releases from court challenge 3.8 million acres of Federal land that will be moved into the completed Montana forest plans and managed for multiple-use purposes, including more than 300 million board feet of timber planned for harvest in the next decade.

This legislation promotes mining in Montana by recognizing 100 percent of all patented mining claims in Montana, stopping RARE II appeals on mining operations, and freeing up active mining claims in a BLM wilderness study area and Senate proposed wilderness which otherwise would be precluded from development.

This legislation promotes timber harvest by releasing for potential harvest 61 times more timber than it restricts from harvest by wilderness designation.

This legislation promotes recreation by designating areas solely for development of wild land recreational opportunities. This legislation is also carefully drafted not to interfere with ongoing motorized recreation. For example, not one inch of 2,500 miles of groomed snowmobile trails in Montana is restricted by this legislation, and the Montana Snowmobile Association was granted protection of 100 percent of the areas it believed were important.

This legislation is critical to Montana's wildlife populations because of its protection of roadless lands habitats, critical watersheds, and calving grounds. This legislation completes the Bob Marshall designations along the Rocky Mountain Front and thereby assures the protection of this Nation's largest herds of big horn sheep and mountain goats, and this Nation's second largest elk herd. This area along the eastern front of the divide represents the largest game recovery effort in the lower 48 States, and this bill assures that the Federal Government will continue to contribute to this effort.

Second, what this legislation does not do:

This legislation does not remove timber suitable for harvest from the federal inventory. The Forest Service plans show that the wilderness considerations in this bill remove 2 percent of the suitable timber base identified by the Montana Forest Plans.

This bill ends the uncertainty on much of the land that is now subject to unnecessary appeal and litigation. Because of congressional failure to pass a mountain wilderness bill, the Forest Service is experiencing planning chaos—in effect, the forests of Montana are virtually under the jurisdiction of

the courts which have a 100-percent loss record before the ninth circuit court.

This bill does not stop current mining operations in Montana. In fact, the Montana mining industry worked closely with the delegation on this bill, and the Montana Mining Association has never produced one mine or proposed operation impacted by this legislation. Just the opposite, some mining operations will not be able to go forward without this bill.

This legislation does not remove motorized recreational opportunities. In fact, the legislation recognizes hundreds of thousands of acres of national recreation areas that are set aside for all types of uses.

I want to draw particular attention to a proposal which I have incorporated in this legislation: an Economics and Ecosystem Study Commission. This may be the most farsighted and important part of this legislation. This bill presents through this commission a way that citizens of the northern Rockies can ask the hard economic questions about the future, and ask them before we are faced with the "either or" decisions that have come to face our neighbors in the States of Oregon and Washington to our West. This review will ask the questions of natural resource sustainability that assure jobs in our resources industries far into the future, and will provide an independent look at how we can maintain our world class wildlife populations.

This review and analysis can hopefully serve as a way to move toward assuring small business opportunity in value added wood product manufacturing and wild lands recreational uses. Montanans have the rare opportunity, lost to many in this country, of having a sustainable resource economy, and diversity of wild area and the animals who call those lands home. This study is aimed at assuring good jobs and clean places to hunt and fish. This type of study has been suggested by both timber workers and wildlife biologists and I believe is critical to mapping the way to a future of long-term jobs and environmental protection.

Finally, and critically this legislation contains the Gallatin land exchanges. That is a goal that has been pursued by the public since 1925. Private land owners and conservation organizations and the Forest Service joined in this negotiation and reached an agreement and the result is in this bill: one of the most significant land consolidations ever accomplished in the United States.

The House/Interior bill deserves to be passed and I urge my colleagues to join me in moving toward an acceptable resolution of our long-standing problems.

□ 1500

The CHAIRMAN. The Chair will announce that each side has 7 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, let me just say in reference to what we heard a moment ago, so that people here and people who may be listening across the country, that was the industry talking: that was the timber industry, that was the gas industry, that was the coal industry, that was the oil industry.

Over the last 300 years in North America we have cut down 95 percent of our forests. We have 5 percent left. We have cut down far more than the Brazilians. Of the 5 percent left, the proposal which I offer today will save only 1 percent.

America's last original forests are being logged at the rate of 1 million acres per year, or three times the annual harvest at the peak of the postwar building boom, and much faster than the rate of cutting in Brazil. Original forests in the United States are still being clearcut at the rate of three football fields every minute, 3 square miles every week. We are destroying our national forests.

In the State of Montana alone last year, because of below-cost timber sales, the taxpayers of this country lost $40 million, because our tax dollars built the roads free of charge for the timber companies to enter those forests and cut down the timber.

What we are talking about on the floor of the House today in an effort to save a little bit of America's wilderness which has not yet been destroyed.

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

Mr. Chairman, my colleague, the gentleman from Montana [Mr. WILLIAMS], is correct. He is correct. There are those that would use this legislation for political purposes. Of course there are. They include the Sierra Club, the League of Conservation Voters, Earth First, Friends of the Animals; let's see, who else, the Audubon Society; even Liz Clairborne, who my friend knows well.

I shall offer today the Senate bill as a substitute because of Montana's outrage to the Vento-Williams bill, a bill that was aided and abetted by those wealthy out-of-State interests. As the Members can see, the support here was very visible for that Vento-Williams substitute. We have 2,600 people protesting in the streets of Montana when the Vento-Williams bill passed the committee. Yes, it passed all right, for wealthy out-of-State interests. The Williams-Vento bill was born out of a shell game, and its authors know full well that the effort to expand wilderness and create a Federal reserve water right is doomed to failure.

The Vento-Williams bill is doomed to failure because the committee has, one, capitulated to out-of-State interests, and it will not be accepted in the State of Montana. My colleague, Representative WILLIAMS, whom I have a good relationship with, and whom I know intimately well, after 2 long years and 14 in the House, has capitulated to the wishes of the majority side, led by the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs. It is Chairman VENTO whose goal has been to expand every wilderness bill that has come before that committee.

□ 1520

Yes, the Hollywood celebrities are moving it in their direction.

Some people will contend that this bill is not significantly different from the Senate-passed version. They maintain the Vento-Williams bill simply corrects technical details. But the differences are indeed extensive and fundamental.

The bill establishes an unquantified Federal reserve water right for wilderness which the legal community advises me that they can argue about for years to come, and Montana will probably have forfeited its rights to adjudicate the water within its water courts. But some are willing to gamble. They are willing to gamble with Montana water rights, just like this Congress gambled with the National Endowment for the Arts when the good upstanding people of the community challenged obscenity in court and lost, and had spent their money in doing so.

Some may ask what are the answers to these questions. Will there be more timber mills, timber for mills in Montana, and the answer is no. Will there be more roads and trails open to Montana recreationists? The answer is no. Will forest plans and timber sales be appealed less frequently? The answer is no.

The painful answer is that is bill contains no real release of nonwilderness lands to multiple use management by the professionals of the Forest Service. It does not resolve the conflict with the appeals. It does not sunset the wilderness areas.

Today another hollow shell game to surrender the future of Montana to interests alien to Montana is being played out before our very eyes. These advocates are embodied and represented by those who do not want to consider the Senate version, S. 1696. They do not want to consider that because they know that bill could pass this House in a heartbeat, then be signed by the President, and the conflict would be over.

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

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO], a member of the subcommittee and one who has worked closely on land issues with me.

Mr. DEFAZIO. Mr. Chairman, I am very familiar with the conflict over natural resources in the Western United States. I represent the most public timber-dependent district in the Union. And the gentleman from Montana [Mr. MARLENEE] was right. There has been some heavy-duty lobbying for this legislation. The stars, yes, they came to my office, the national environmental groups, they came to my office and the industry and labor came to my office.

This bill before us today is not the bill of the national environmentalist groups or the stars, nor is it the bill demanded by the timber industry. It is a fair balance. It is a tough decision. When we are dealing with public lands, when we are dealing with the disposition of those lands, protecting our precious natural resources, defining truly what is a sustainable resource, so we will have forests today and jobs today and forests tomorrow and jobs tomorrow, and by God, PAT WILLIAMS of Montana did a masterful job doing that, and I will not see anybody bend this to their petty political ends like I heard the previous gentleman saying is being done. It is not being done by PAT WILLIAMS.

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

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I thank my colleague for yielding the time, and I would like to ask the gentleman from Montana [Mr. WILLIAMS], a question on my time.

The gentleman made reference in his comments about the Ninth Circuit Court of Appeals being involved in timber issues relating to the State of Montana. My question is: Who created the law that caused this litigation to find its way to the ninth circuit, not the person, but what entity created the law?

Mr. WILLIAMS. If the gentleman will yield, the Congress of the United States has created a good many laws. The reason that the laws are being challenged is because of the inability of the Congress to pass a Montana wilderness bill. And when we did pass it, President Reagan vetoed it. That has created such uncertainty on the land management in Montana that the courts are determining or planning the process for us.

Mr. DANNEMEYER. I thank the gentleman for his response.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS] for further debate.

Mr. WILLIAMS. Mr. Chairman, I want to tell my colleagues that no one in the Montana delegation, including myself, is entirely satisfied with the water language that is in the bill before us. However, I do want my colleagues to know that I offered amendments which were accepted that accomplished two things with regard to the water language in the bill.

First, we have assured in the bill before us that adjudicated Montana water rights are senior to any Federal rights in Montana with regard to water. Second, we have assured, because of the language in the bill before us, that all litigation against Montana's water rights must be brought to the State of Montana water courts.

Even with those two rock-ribbed, very good assurances, the entire delegation from Montana, Congressman MARLENEE, Senator BURNS and Senator BAUCUS, and myself are still hopeful that in negotiations between the House and the Senate we can improve this language even further to assure absolute protection well into the future for Montana water rights.

Mr. MARLENEE. Mr. Speaker, I yield myself the remaining time to point out to my colleague that this is indeed a shell game, that the chairman of the Public Lands Subcommittee has stated unequivocally, as quoted from the newspapers, that he will veto a Montana wilderness bill, and he was speaking, of course, with reference to the Baucus-Burns compromise.

That being the case, if we go to a conference committee, and we attain some change and moderation from the expansion of the Federal reserve water rights, and bring it back to the floor of the House, I presume the chairman of the Public Lands Subcommittee, Mr. VENTO, will reject it and this body will not pass a Montana wilderness bill.

So I see this exercise as futile, an exercise in futility, and a shell game to achieve the ends, the well-meaning ends I might add, of the chairman of the Public Lands Subcommittee.

Mr. VENTO. Mr. Chairman, I yield myself the balance of whatever time I have, which I believe is a minute, to respond to my friend from Montana who serves as the ranking member on my subcommittee by saying that we have successfully dealt with water language in Nevada and California, and virtually on all of the other recently passed wilderness bill. I assure him of my good faith in working out a final solution. We are working very hard right now on Colorado water language. So I would hope the gentleman would not presume that I would not presume that I would be so unyielding as not to continue to work on this. I can tell him that whatever the disposition is here, it is my goal, and I think his and the gentleman from Montana, to resolve this issue. So I give him my pledge of good faith to work on this and to resolve this issue. Notwithstanding many other comments which are extraneous, some people ought to get an A for reading Dixie Lee Ray's book.

□ 1520

The fact of the matter is they do not read minds very well, Mr. Chairman.

I hope we can return to the issue before us in terms of the designations here and the differences that we have to resolve this issue and send this bill to the President this year.

Mr. SMITH of Oregon. Mr. Chairman, I rise in opposition to the amendment from the gentleman from Pennsylvania [Mr. KOSTMAYER].

This amendment establishes a committee to provide a plan for protecting the so-called Northern Rockies ecosystem in five States. It has nothing to do with a Montana wilderness bill.

I can't speak for the other States affected by this amendment, but I can tell you that the people of the State of Oregon don't want any part of it. We finished the Oregon wilderness bill in 1984, which established 2.2 million acres of wilderness. That issue is closed.

But now we have someone who represents a district 3,000 miles from Oregon trying to reopen this debate, and frankly we resent it.

This amendment is based on flawed science—it ignores the fact that we have 3 billion board feet of dead and dying timber in eastern Oregon because of insects and disease problems. In some cases 75 percent of these national forests are dead.

The Forest Service will need to salvage these dead trees or these insects will continue to spread to other forests throughout the Rockies. In fact, Idaho is already experiencing severe forest health problems. Insects like the spruce budworm will love this amendment because it will allow them a free run to devastate our forests.

Among other things, this amendment will prohibit salvage logging in some of these areas while this so-called ecosystem study is underway. It will tie the hands of our land management agencies to the point that all they will be able to do is watch more and more trees die.

So by offering this amendment the gentleman from Pennsylvania is actually destroying the same national forests he is trying to protect.

Aside from that, this amendment will also cost jobs. Salvage logging in the area in eastern Oregon that Mr. KOSTMAYER wants to lock up translates into 8,000 jobs. But it doesn't stop there.

This amendment is just a condensed version of Mr. KOSTMAYER's Northern Rockies Protection Act, which would lock up 14 million acres of Forest Service land and envisions a new national park in my district in what is now the Hells Canyon National Recreation Area.

The gentleman did not check with me about creating a Hells Canyon National Park, but if he would have I would have told him it has no local support whatsoever.

And it's easy to see why—it will cost 2 counties in my district $420,000 in funds for schools that they now receive from the Federal Government from forest receipts. This doesn't mean much until you realize that half of the operating budget from Enterprise School District No. 21 will be taken away if we create a national park.

One thing is certain—I will never introduce any legislation that will shut down schools in Pennsylvania.

While I realize this language is not in this amendment, I think it's worth talking about be-

cause it shows the ultimate intent of the sponsors of this amendment.

They want to take all this land out of multiple-use and put it into wilderness or national parks, but they have no idea of the impacts and they don't care.

I guess if you want dead ecosystems in the Rocky Mountains and less jobs in the Western United States you should support this amendment. If you want diverse, healthy forests and a healthy economy you should reject the Kostmayer amendment.

The CHAIRMAN (Mr. DONNELLY). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

S. 1696

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 referred to as the "Montana National Forest Management Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wild land for the benefit of the American people.

(2) The existing Department of Agriculture Land and Resource Management Plans for Forest System lands in the State of Montana have identified areas which, on the basis of their land form, ecosystem, associated wildlife, and location will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System.

(3) The existing Department of Agriculture Land and Resource Management Plans for National Forest System lands in the State of Montana and the related congressional review of such lands have also identified areas that do not possess outstanding wilderness attributes or possess outstanding energy, mineral, timber, grazing, dispersed recreation, or other values. Such areas should not be designated as components of the National Wilderness Preservation System but should be available for multiple uses under the land management planning process and other applicable law.

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

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, and physical and mental challenge; and

(2) ensure that certain other National Forest System lands in the State of Montana will be managed under the national forest land and resource management plans.

SEC. 3. WILDERNESS DESIGNATIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964, the following lands in the State of Montana are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Beaverhead, Bitterroot, and Deerlodge National Forests, which comprise approximately 31,660 acres, as generally depicted on a map entitled "Anaconda-Pintler Wilderness Additions—Proposed" (North Big Hole, Storm Lake, Upper East Fork), dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Anaconda-Pintler Wilderness.

(2) Certain lands in the Beaverhead National Forest, which comprise approximately 25,000 acres, as generally depicted on a map entitled "Italian Peaks Wilderness—Proposed", dated September 1992, and which shall be known as the Italian Peaks Unit of the Great Divide Wilderness.

(3) Certain lands in the Beaverhead National Forest, which comprise approximately 80,500 acres, as generally depicted on a map entitled "East Pioneer Wilderness—Proposed", dated September 1992, and which shall be known as the East Pioneer Wilderness.

(4) Certain lands in the Beaverhead National Forest, Montana, comprising approximately 35,000 acres, as generally depicted on a map entitled "West Big Hole Wilderness—Proposed", dated September 1992, and which shall be known as the West Big Hole Unit of the Great Divide Wilderness.

(5) Certain lands in the Bitterroot, Deerlodge, and Lolo National Forests, which comprise approximately 64,800 acres, as generally depicted on a map entitled "Stony Mountain Wilderness—Proposed", dated September 1992, and which shall be known as the Stony Mountain Wilderness.

(6) Certain lands in the Bitterroot and Lolo National Forests, which comprise approximately 55,600 acres, as generally depicted on maps entitled "Selway-Bitterroot Wilderness Additions—Proposed", dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Selway-Bitterroot Wilderness.

(7) Certain lands in the Custer National Forest, which comprise approximately 8,000 acres, as generally depicted on a map entitled "Lost Water Canyon Wilderness—Proposed", dated September 1992, and which shall be known as the Lost Water Canyon Wilderness.

(8) Certain lands in the Custer National Forest, which comprise approximately 6,000 acres, as generally depicted on a map entitled "Custer Absaroka Beartooth Wilderness Additions—Proposed" (Burnt Mountain, Timberline Creek, Stateline and Mystic Lake), dated November 1991, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(9) Certain lands in the Deerlodge and Helena National Forests, which comprise approximately 19,000 acres, as generally depicted on a map entitled "Blackfoot Meadow-Electric Peak Wilderness—Proposed", dated September 1992, and which shall be known as the Blackfoot Meadow Unit of the Great Divide Wilderness.

(10) Certain lands in the Flathead and Kootenai National Forests, which comprise approximately 118,000 acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed (Tuchuck, Thompson-Seton, and Mount Hefty)", dated September 1992, and which shall be known as the North Fork Wilderness.

(11) Certain lands in the Flathead, Helena, Lolo, and Lewis and Clark National Forests, which comprise approximately 232,980 acres, as generally depicted on maps entitled "Arnold Bolle Additions to the Bob Marshall Wilderness—Proposed" (Silver King-Falls Creek, Renshaw, Clearwater-Monture, Deep Creek, Teton High Peak, Volcano Reef, Slippery Bill, Limestone Cave, Choteau Mountain, and Crown Mountain), dated September 1992, which shall be known as the Arnold Bolle-Bob Marshall Wilderness Additions and are incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness.

(12) Certain lands in the Flathead National Forest, which comprise approximately 960 acres, as generally depicted on a map entitled "Mission Mountains Wilderness Additions—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Mission Mountain Wilderness.

(13) Certain lands in the Flathead and Lolo National Forests, comprising approximately 173,500 acres, as generally depicted on maps entitled "Jewel Basin/Swan Wilderness—Proposed", dated September 1992. Those lands contiguous to the west slope of the Bob Marshall Wilderness referred to in this paragraph are hereby incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness, while the remaining lands shall be known as the Swan Crest Wilderness.

(14) Certain lands in the Gallatin National Forest, which comprise approximately 14,440 acres, as generally depicted on a map entitled "Gallatin Absaroka Beartooth Wilderness Additions—Proposed" (Dexter Point Tie Creek and Mt. Rae), dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(15) Certain lands in the Gallatin and Beaverhead National Forests, which comprise approximately 20,100 acres, as generally depicted on a map entitled "Lee Metcalf Cowboys Heaven Addition—Proposed", dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Lee Metcalf Wilderness.

(16) Certain lands in the Gallatin National Forest, which comprise approximately 19,440 acres, as generally depicted on a map entitled "Earthquake Wilderness—Proposed", dated September 1992, and which shall be known as the Earthquake Unit of the Great Divide Wilderness.

(17) Certain lands in the Helena National Forest, which comprise approximately 24,000 acres, as generally depicted on a map entitled "Camas Creek Wilderness—Proposed", dated September 1992, and which shall be known as the Camas Creek Wilderness.

(18) Certain lands in the Helena National Forest, which comprise approximately 15,000 acres, as generally depicted on a map entitled "Mount Baldy Wilderness—Proposed", dated September 1991, and which shall be known as the Mount Baldy Wilderness.

(19) Certain lands in the Helena National Forest, Montana, which comprise approximately 10,500 acres, as generally depicted on a map entitled "Gates of the Mountains Wilderness Additions—Proposed" (Big Log), dated September 1992, and which are hereby incorporated in and shall be deemed to be part of the Gates of the Mountain Wilderness.

(20) Certain lands in the Helena National Forest, which comprise approximately 8,500 acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated September 1992, and which shall be known as the Black Mountain Unit of the Great Divide Wilderness.

(21) Certain lands in the Kootenai National Forest, which comprise approximately 34,840 acres, as generally depicted on a map entitled "Cabinet Mountains Wilderness Additions—Proposed", dated September 1992, and which are hereby incorporated in and shall be deemed to be part of the Cabinet Mountains Wilderness.

(22) Certain lands in the Kaniksu and Kootenai National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Scotchman Peaks Wilderness—Proposed", dated September 1991, which

shall be known as the Scotchman Peaks Wilderness.

(23) Certain lands in the Kootenai National Forest which comprise approximately 22,000 acres, as generally depicted on a map entitled "Yaak Wilderness-Proposed" (Roderick Mountain), dated September 1992, which shall be known as the Yaak Wilderness.

(24) Certain lands in the Kootenai and Lolo National Forests, which comprise approximately 17,900 acres, as generally depicted on a map entitled "Cataract Peak Wilderness—Proposed", dated September 1991, which shall be known as the Cataract Peak Wilderness.

(25) Certain lands in the Lolo National Forest, which comprise approximately 19,900 acres, as generally depicted on a map entitled "Cube Iron/Mount Silcox Wilderness—Proposed", dated September 1992, which shall be known as the Cube Iron/Mount Silcox Wilderness.

(26) Certain lands in the Lolo National Forest, which comprise approximately 94,700 acres, as generally depicted on a map entitled "Great Burn Wilderness—Proposed", dated September 1991, which shall be known as the Great Burn Wilderness.

(27) Certain lands in the Lolo National Forest, which comprise approximately 60,100 acres, as generally depicted on a map entitled "Quigg Peak Wilderness—Proposed", dated September 1991, which shall be known as the Quigg Peak Wilderness.

(28) Certain lands in the Lewis and Clark National Forest, which comprise approximately 40,000 acres, as generally depicted on a map entitled "Crazy Mountain Wilderness—Proposed", dated September 1992, and which shall be known as the Crazy Mountain Wilderness.

(29) Certain lands in the Kootenai National Forest, which comprise approximately 25,000 acres, as generally depicted on a map entitled "Trout Creek Wilderness—Proposed", dated September 1992, and which shall be known as the Trout Creek Wilderness.

(30) Certain lands in the Deerlodge National Forest, which comprise approximately 40,300 acres, as generally depicted on a map entitled "Flint Creek Wilderness—Proposed", dated September 1992, and which shall be known as the Flint Creek Wilderness.

(31) Certain lands in the Helena National Forest, which comprise approximately 19,000 acres, as generally depicted on a map entitled "Nevada Mountain Wilderness—Proposed", dated September 1992, and which shall be known as the Nevada Mountain Unit of the Great Divide Wilderness.

(32) Certain lands in the Helena National Forest, which comprise approximately 60,000 acres, as generally depicted on a map entitled "Elkhorn Wilderness—Proposed", dated September 1992, and which shall be known as the Elkhorn Wilderness.

(33) Certain lands in the Gallatin National Forest, which comprise approximately 500 acres, as generally depicted on a map entitled "North Absaroka Wilderness Addition—Proposed (Republic Mountain)", dated September 1992, and which are hereby incorporated in and shall be deemed a part of the North Absaroka Wilderness.

(b) MAPS AND LEGAL DESCRIPTIONS.—(1) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in this section and legal descriptions of each wilderness area designated by this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act.

(2) The Secretary may correct clerical and typographical errors in the maps and the legal descriptions submitted pursuant to this section.

(3) Each map and legal description referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, D.C. and at the office of the Regional Forester of the Northern Region.

(c) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated by this section shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964, except that, with respect to any area designated in this section, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) WILDERNESS AREA PERIMETERS.—Congress does not intend that the designation of wilderness areas in this section will lead to the creation of protective perimeters or buffer zones around such areas. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) GRAZING.—The grazing of livestock, where established prior to the date of enactment of this Act, in wilderness areas designated in this section shall be administered in accordance with section 4(d)(4) of the Wilderness Act of 1964 and section 108 of an Act entitled "An Act to designate certain National Forest System Lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes" (94 Stat. 3271; 16 U.S.C. 1133 note).

(f) STATE FISH AND GAME AUTHORITY.—In accordance with section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Montana with respect to wildlife and fish in the national forests of Montana.

(g) HUNTING.—Nothing in this Act or the Wilderness Act of 1964 shall be construed to prohibit hunting within the wilderness areas designated in this section.

(h) COLLECTION DEVICES.—(1) Within the wilderness areas designated in this section, the installation and maintenance of essential hydrological, meteorological, or climatological collection devices and ancillary facilities is permitted, subject to such conditions as the Secretary deems desirable.

(2) Access to the devices and facilities described in paragraph (1) shall be by the means historically used, if that method is the least intrusive practicable means available. Access, installation, and maintenance shall be compatible with the provisions of the Wilderness Act.

SEC. 4. WATER.

(a) RESERVATION.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes for which such area is designated. The priority date of such reserved rights shall be the date of enactment of this act.

(b) IMPLEMENTATION.—The Secretary of Agriculture, and all other officers of the United States shall take all steps necessary to protect the rights reserved by subsection (a), including the filing of claims for quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of Montana in which the United States has been or is hereafter properly joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 5460; 43 U.S.C. 666), commonly referred to as the "McCarran Amendment".

(c) CONSTRUCTION.—(1) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Montana on or before the date of enactment of this Act.

(2) Nothing in this Act shall be construed as establishing a precedent with regard to any future designations, including designations of wilderness, or as constituting an interpretation of any other Act or designations made pursuant thereto.

SEC. 5. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATIONS.—For the purposes of conserving, protecting and enhancing the exceptional scenic, fish and wildlife, biological, educational and recreational values of certain National Forest System lands in the State of Montana, the following designations are made:

(1) The Mount Helena National Education and Recreation Area located in the Helena National Forest, comprising approximately 5,120 acres, as generally depicted on a map entitled "Mount Helena National Education and Recreation Area—Proposed", dated September 1992.

(2) The Hyalite National Education and Recreation Area located in the Gallatin National Forest, comprising approximately 18,900 acres, as generally depicted on a map entitled "Hyalite National Education and Recreation Area—Proposed", dated September 1992.

(3) The Northwest Peak National Recreation Area located in the Kaniksu and Kootenai National Forests, comprising approximately 16,700 acres, as generally depicted on a map entitled "Northwest Peak National Recreation and Scenic Area—Proposed", dated September 1991.

(4) The Buckhorn Ridge National Recreation Area located in the Kaniksu and Kootenai National Forests, comprising approximately 20,000 acres, as generally depicted on a map entitled "Buckhorn Ridge National Recreation Area—Proposed", dated September 1991.

(5) The West Big Hole National Recreation Area located in the Beaverhead National Forest, comprising approximately 90,000 acres, as generally depicted on a map entitled "West Big Hole National Recreation Area—Proposed", dated September 1992, and which shall be known as the West Big Hole National Recreation Area.

(b) MAPS.—The Secretary shall file the maps referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such maps may be made. Each such map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Regional Forester of the Northern Region.

(c) MANAGEMENT.—(1) Except as otherwise may be provided in this subsection, the Secretary shall administer the areas designated in subsection (a) so as to achieve the purposes of their designation and in accordance with the laws and regulations applicable to the National Forest System.

(2) Subject to valid existing rights, all federally owned lands within the areas designated in subsection (a) are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(3) Commercial timber harvesting is prohibited in the areas designated by this section with the following exceptions:

(A) Nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(B) Fuel wood, post and pole gathering may be permitted.

(C) Commercial timber harvesting may be permitted in the Hyalite National Recreation and Education Area, but must be compatible with the purposes of its designation.

(4) Where the Secretary determines that such use is compatible with the purposes for which an area is designated, the use of motorized equipment may be permitted in the areas subject to applicable law and applicable land and resource management plans.

(5) The grazing of livestock, where established prior to the date of enactment of this Act may be permitted to continue subject to applicable law and regulations of the Secretary.

(d) NATIONAL RECREATION AREAS.—The Secretary shall manage the Mount Helena and Hyalite National Education and Recreation Areas with a focus on education. All management activities shall be conducted in a manner that provides the public with an opportunity to become better informed about natural resource protection and management.

(e) LAND AND RESOURCE MANAGEMENT PLANS.—Those areas established pursuant to subsection (a) shall be administered as components of the national forests wherein they are located. Land and resource management plans for the affected national forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall achieve the purposes for which the areas are designated. The provisions of the national forest land and resource management plan, relating to each area designated by this section, shall also be available to the public in a document separate from the rest of the forest plan.

SEC. 6. WILDERNESS STUDY AREAS.

(a) DESIGNATION.—The following areas are hereby designated as wilderness study areas and shall be managed in accordance with the provisions of this section:

(1) Certain lands in the Custer National Forest, comprising approximately 22,000 acres, as generally depicted on a map entitled "Line Creek Plateau Wilderness Study Area—Proposed", dated September 1992.

(2) Certain lands on the Gallatin National Forest, comprising approximately 21,500 acres, as generally depicted on a map entitled "Sawtooth Mountain Wilderness Study Area—Proposed", dated September 1992.

(3) Certain lands in the Lolo National Forest which comprise approximately 22,000 acres, as generally depicted on a map entitled "Sheep Mountain Wilderness Study Area—Proposed", dated November 1991.

(4) Certain lands in the Lewis and Clark and Gallatin National Forests, which comprise approximately 75,000 acres, as generally depicted on a map entitled "Crazy Mountain Wilderness Study Area—Proposed", dated September 1992. The Forest Service shall complete a study of public and private land consolidation alternatives for this area which shall be submitted to the appropriate committees of Congress 2 years after the date of the enactment of this Act.

(5) Certain lands in the Gallatin National Forest, which comprise approximately 4,500 acres, as generally depicted on a map entitled "South Cottonwood Wilderness Study Area—Proposed," dated September, 1992, and shall be managed as part of the Gallatin Wilderness Study Area in accordance with Public Law 95-150.

(b) REPORT.—When the forest plans are revised, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives containing recommendations as to whether the areas designated in subsection (a) should be added as components of the National Wilderness Preservation System.

(c) MANAGEMENT.—Subject to valid existing rights, the wilderness study areas designated in subsection (a) shall be managed to protect their suitability for inclusion in the National Wilderness Preservation System.

(d) MAPS.—The Secretary shall file the maps referred to in this section with the Committee on Interior and Insular Affairs, United States House of Representatives, and the Committee on Energy and Natural Resources, United States Senate, and each such map shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in these maps may be made. Each map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the Regional Forester of the Northern Region.

(e) ADJUSTMENT.—Certain lands in the Beaverhead National Forest, which comprise approximately 700 acres, as generally depicted on a map entitled "The West Pioneers Boundary Adjustment-Proposed," dated September 1992, shall be deleted from the West Pioneers Wilderness Study Area and shall no longer be subject to the provisions of Public Law 95-150.

SEC. 7. BADGER-TWO MEDICINE AREA.

(a) WITHDRAWAL.—(1) Subject to valid existing rights including rights held by the Blackfeet nation under existing treaties and statute, all federally owned lands as depicted on a map entitled "Badger-Two Medicine Area", dated September 1991, comprising approximately 116,600 acres, are withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws and from disposition under the geothermal and mineral leasing laws. Until otherwise directed by Congress, the Secretary shall manage this area so as to protect its wilderness qualities.

(2) Nothing in this section shall preclude the gathering of timber by the Blackfeet Tribe (the "Tribe") in exercise of valid treaty rights within the Badger-Two Medicine Area.

(3)(A) With respect to oil and gas leases on Federal lands within the Badger-Two Medicine Area, no surface disturbance shall be permitted pursuant to such leases until Congress determines otherwise.

(B) Notwithstanding any other law, the term of any oil and gas lease subject to the limitations imposed by this section shall be extended for a period of time equal to the term that such limitation remains in effect.

(b) REVIEW.—The Secretary shall conduct a review of the area referred to in subsection (a) in accordance with the Wilderness Act of 1964 and the provisions of this subsection. Not later than 5 years after the date of enactment of this Act, the Secretary shall report to Congress. In conducting this review:

(1) The Secretary shall establish a committee composed of 1 representative each from the Blackfeet Tribal Business Council, the Blackfeet Tribal traditionalists, and the National Park Service, as well as at least one representative of various concerned user groups, including proportional representation for environmental groups and industry groups. The Committee shall not exceed eleven members. The Blackfeet Tribal Business Council shall choose the 2 Tribal representatives. The Blackfeet Tribal Business Council shall conduct a public meeting to receive recommendations of the community regarding the selection of these members. The committee shall regularly advise the Secretary during the preparation of the report required in this subsection and submit its findings to Congress concurrently with those of the Secretary.

(2) Special consideration shall be given to the religious, wilderness and wildlife uses of the area, taking into account any treaties the United States has entered into with the Blackfeet Nation.

(3) In consultation with the committee, the Secretary shall establish a process to provide information to the Tribe and interested public about options for future designation of the Badger-Two Medicine Area.

(c) RIGHTS.—Nothing in this section shall be construed to diminish, prejudice, add to, or otherwise affect the treaty rights of the Blackfeet Tribe or the rights of the United States.

SEC. 8. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated (hereinafter collectively referred to in this section as the "company");

(2) there are federally owned minerals underlying privately owned lands lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate Federal surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within 2 years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary and the company, the Secretary may acquire mineral interests owned by the company underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988 and "Severed Minerals Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the mineral interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To ensure that the wilderness or other natural values of the areas are not affected, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, but the Secretary and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which were owned by the company or its predecessor on September 16, 1987.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying the lands identified in paragraph (1), the Secretary and the Secretary of the Interior may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—(1) The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company.

(f) DEFINITION.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

(g) ENVIRONMENTAL LAW.—The execution and performance of an exchange agreement and the taking of other actions pursuant to this section shall not be deemed a major Federal action significantly affecting the quality of the environment within the meaning of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), nor shall they require the preparation of an environmental assessment under this Act.

SEC. 9. LANDS ADMINISTERED BY BUREAU OF LAND MANAGEMENT.

(a) FINDING.—The Congress has reviewed the suitability of a portion of the Axolotl Lakes Wilderness Study Area (MT-076-069, BLM Wilderness Study Number) as generally depicted on a map entitled "Released portion of Axolotl Lakes WSA", dated September 1992, for wilderness designation and finds that this portion has been sufficiently studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) DIRECTION.—The area described in subsection (a) shall no longer be subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(c) ADMINISTRATIVE JURISDICTION.—Those lands designated as wilderness pursuant to paragraphs (3) and (27) of section 3(a) of this Act, which, as of the date of enactment of this Act, are administered by the Secretary of the Interior as public lands (as defined in the Federal Land Policy and Management Act of 1976), are hereby transferred to the jurisdiction of the Secretary of Agriculture, and shall be added to and managed as part of the National Forest System, and the boundaries of the adjacent National Forests are hereby modified to include such lands.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as if they were the boundaries of the National Forests as of January 1, 1965. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein in furtherance of the purposes of this Act.

SEC. 10. NORTHERN ROCKIES ECOSYSTEM AND ECONOMICS STUDY.

(a) PURPOSE.—The purpose of this section is to protect and enhance ecological values of the Northern Rockies Ecosystem and to assure that disruptions to communities and local economies are minimized through the sustainable use of the natural resources in the Northern Rockies. To accomplish the purpose, the Secretary shall—

(1) assess current environmental and economic conditions in the Northern Rockies ecosystem;

(2) evaluate the recent and likely trends in those conditions under current management;

(3) determine sustainable environmental conditions and economies dependent thereon; and

(4) identify opportunities and requirements to achieve and improve sustainability of the natural resources and the economy.

(b) STUDY.—(1) The Secretary of Agriculture, acting through the Forest Service Research Branch, shall undertake a Northern Rockies Ecosystem and Economics Study ("Study"). In conducting the study, the Forest Service shall draw from expertise throughout the Research Branch and cooperate with other Federal agencies, relevant State agencies, local governments, Tribal governments, and the relevant departments (such as biology, ecology, forestry, range, wildlife and fish, recreation, business, economics, law, etc.) of public universities in the Northern Rockies.

(2) The Secretary of Agriculture shall establish an Advisory Panel consistent with the Federal Advisory Committee Act to meet to review and comment on: (A) the study plan; (B) contractor, background, and interim reports, if any; and (C) the final report. The Advisory Panel shall represent a balance of groups and individuals interested in or affected by natural resource management, and shall represent regional interests and the national concerns in an equitable manner.

(3) The Study shall address the following topics:

(A) The current ecological trends and conditions, environmental sustainability of the Northern Rockies Ecosystem, including but not limited to—

(i) air and water quality;

(ii) timber quantity, quality, and growth;

(iii) rangeland quality;

(iv) riparian areas;

(v) diversity of native plant and animal species;

(vi) connectivity among isolated ecosystems;

(vii) uncommon, rare, threatened, and endangered species;

(viii) populations of animals for consumptive and nonconsumptive uses;

(ix) wilderness areas;

(x) dispersed recreation opportunities; and

(xi) developed recreation facilities.

(B) The current contribution of commodity and non-commodity uses and output of natural resources to the local and regional economies, including, but not limited to—

(i) distinguishing among the various resource uses and outputs;

(ii) examining the distribution of resource-related economic activities among local communities; and

(iii) distinguishing the contributions from each landowner class: Federal, State, Tribal, other government, forest industry, other major private corporations, and other private (non-industrial) landowners.

(C) The sustainable contribution of commodity and non-commodity uses and outputs of natural resources, using the same distinctions specified in subparagraph (B), and assuming:

(i) achievement of State air and water quality standards; and

(ii) maintenance of or increase in the quality of natural resources in the region, including: the timber available; range lands grazed by livestock; riparian areas; the diversity of plant and animal species; connectivity among isolated ecosystems; uncommon, rare, threatened, and endangered native species; populations of animals for consumptive and nonconsumptive uses; wilderness areas; dispersed recreation opportunities and developed recreation facilities.

(D) Opportunities to improve environmental conditions that could permit an expansion of the sustainable contribution of commodity and non-commodity uses and outputs of natural resources. The assessment shall identify the financial and non-financial costs for the various opportunities, and the likely or possible incidence of those costs. Opportunities shall include each of the following:

(i) Increasing desirable natural vegetative growth including: reforestation with native species, thinning and other timber stand modifications, prescribed burning, and seeding or planting native grasses, forbs, and shrubs.

(ii) Improving the quality of other biological resources (such as species diversity and animal populations), including: habitat restoration, extended timber rotations, alternative timber harvesting systems and grazing regimes, reserves to protect and improve connectivity among isolated ecosystems, and different standards and methods for road construction, maintenance, closure, and eradication.

(iii) Enhancing the quality of non-biological resources (such as recreation trails and facilities, wilderness areas, and watersheds and streams), including: site restoration and rehabilitation, demand management (user regulation and enforcement, marketing to shift timing and location of uses, etc.) and different standards and methods for road construction, maintenance, closure, and eradication.

(E) Recommendations on investments and practices for agencies responsible for natural resource management.

(c) SCHEDULE.—(1) The study plan shall be ready for review by the Advisory Panel within one year after the enactment of this Act.

(2) Contractor, background, and interim reports shall be presented to the Advisory Panel as they are completed.

(3) The draft report shall be ready for review by the Advisory Panel within 2 years after the Panel's meeting to review the study plan. With Advisory Committee input, the Secretary shall arrange peer review of the draft report among appropriate independent experts in the relevant fields.

(4) The final report shall be presented to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, to the Chief of the Forest Service, and to the heads of other Federal and State agencies who have jurisdiction over wild land management or are responsible for regulating management practices or impacts in the Northern Rockies Ecosystem Area.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) REDESIGNATION.—Those lands comprising the Rattlesnake National Recreation Area and Wilderness, as designated in Public Law 96-476 are hereby redesignated as the "Rattlesnake National Education and Recreation Area and Wilderness".

(b) WITHDRAWAL.—Those lands comprising approximately 24,000 acres, as generally depicted on a map entitled "Gibson Reservoir Mineral Withdrawal Area—Proposed", dated November 1991, are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(c) ACREAGES.—All acreages cited in this Act are approximate and in the event of discrepancies between cited acreage and the lands depicted on referenced maps, the maps shall control.

(d) ACCESS.—It is the policy of Congress that the Forest Service acquire and maintain reasonable public access to National Forest System lands in the State of Montana.

(e) SCAPEGOAT AND GREAT BEAR WILDERNESS NAMES.—In order to consolidate existing contiguous wilderness areas, those lands comprising the Great Bear Wilderness Area designated by Public Law 95-946 and any amendments thereto and the Scapegoat Wilderness Area designated by Public Law 92-395 and any amendments thereto are hereby incorporated in and deemed to be a part of the Bob Marshall Wilderness. The designations of the Great Bear Wilderness and Scapegoat Wilderness shall refer to units within the Bob Marshall Wilderness.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) such sums as are necessary for the development of a wilderness education and ranger training complex at the Ninemile Ranger Station, Lolo National Forest, Montana; and

(2) such sums as are necessary to carry out this Act.

SEC. 13. WILDERNESS REVIEW.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has studied the suitability of roadless areas for inclusion in the National Wilderness Preservation System; and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Montana and the environmental impacts associated with alternative allocations of such areas.

(b) RELEASE.—Those National Forest System lands in the State of Montana which were not designated as wilderness, special management, national recreation, or wilderness study areas by this Act shall be managed for multiple use in accordance with land and resource management plans developed pursuant to section 6 of the forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, and those areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land and resource management plans.

(c) PLAN REVISIONS.—In the event that revised land management plans in the State of Montana are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation, need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation.

(d) FURTHER REVIEW.—Unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(e) PREVIOUS PLANS.—Except as specifically provided in sections 3, 5, 6, and 7 of this Act and in Public Law 95-150, with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture under Public Law 94-557, the unit plans that were in effect prior to completion of RARE II, the 1978 Forest Plan for the Beaverhead National Forest, that such reviews shall be deemed an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the Land and Resource Management Plans.

(f) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Foreign Management Act, the term "revision" shall not include an amendment to a land and resource management plan.

(g) SIZE.—The provisions of this section shall apply to those National Forest System roadless lands in the State of Montana which are less than 5,000 acres in size.

SEC. 14. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—The Secretary shall, subject to the provisions of section 15 and section 16 and, notwithstanding any other law, acquire by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (referred to in this sectin as the "company") in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b)(1) DESCRIPTION OF LANDS.—If the company offers to the United States the fee title, including mineral interests, to approximately 37,752 and 15/100 acres of land owned by the company which is availalble for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, recommend that the Secretary of the Interior convey, subject to valid existing rights, by patent the fee title to approximately 12,414 and 6/100 acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations and exceptions as may be agreed upon by the Secretary of Agriculture and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the country wherein the leased lands are situated.

(c) EASEMENTS.—At closing on the conveyances authorized by this section—

(1) in consideration of the easements conveyed by the company as provided in paragraph 2 of this subsection, the Secretary of Agriculture shall, under authority of the National Forest Roads and Trails Act of October 13, 1964, or the Federal Land Policy and Management Act of 1976, execute and deliver to the company such easements and authorizations over federally owned lands included in this exchange as may be agreed to by the Secretary and the company in the exchange agreement.

(2) In consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States such easements and authorizations across company-owned lands included in this exchange as may be agreed to by the Secretary and the company in the exchange agreement.

(d) MAPS.—The maps referred to in subsection (b) are subject to such minor corrections as may be agreed upon by the Secretary and the company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representativesof any corrections made pursuant to the subsection.

(e) TIMING OF TRANSACTION.—It is the intent of Congress that the conveyances authorized by this section be completed within 90 days after the date of enactment of an Act making the appropriation authorized by subsection (g).

(f) FOREST LANDS.—All lands conveyed to the United States pursuant to this section shall become national forest system lands to be administered by the Secretary in accordance with applicable law.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

(h) QUALITY OF TITLE.—Title to the properties referenced in this section and sections 15, 16, and 17 to be offered to the United States by Big Sky Lumber Company, its assignees or successors in interest, shall be inclusive of the entire surface and subsurface estates without reservation or exception. The owner shall be required to reacquire any outstanding interest in mineral or mineral rights, timber or timber rights, water or water rights, or any other outstanding interest in the property, except reservations by the United States or the State of Montana by patent, in order to assure that title to the property is transferred as described in this section and sections 15, 16, and 17. The agreement shall clearly evidence that the owners have the legal capacity to accomplish the foregoing requirements. Title standards for acquisition shall otherwise be in compliance with Forest Service policies and procedures.

(h) REFERENCES.—The reference and authorities of this section referring to Plum Creek Timber Company, L.P., shall also refer to its successors.

SEC. 15. LAND CONSOLIDATION; PORCUPINE AREA.

(a) IN GENERAL.—The exchange described in section 14 of this Act shall not be consummated by the Secretary until the conditions of this section are met.

(b) CONDITIONS.—The Secretary or a qualified section 501(c)(3) conservation entity, acting on its behalf for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Porcupine property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. Any appraisal for exchange purposes shall be conducted by the same parties, utilizing the same standards noted above.

(c) DESCRIPTION OF LANDS.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Porcupine Area", dated September, 1992.

(d) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(f) AUTHORIZATION OF EXCHANGE.—The Secretary is authorized to offer the lands and interests described on a map entitled "Porcupine Exchange Lands", dated September, 1992, to Big Sky Lumber Company, its assignee or successors in interest to fulfill the purposes of this section: Provided, That the lands shall not transfer to the company until the provisions of this section and section 16 are met.

(g) EQUAL VALUE.—Any exchange of lands between Big Sky Lumber Company and the United States shall be for equal value.

(h) REFERENCES.—The reference and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors.

SEC. 16. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) IN GENERAL.—The exchange described in section 14 of this Act shall not be consummated

by the Secretary until the conditions of this section are met.

(b) CONDITIONS.—The Secretary or a qualified section 501(c)(3) conservation entity, acting on its behalf for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Taylor Fork property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. Any appraisal for exchange purposes shall be conducted by the same parties, utilizing the same standards noted above.

(c) DIRECTION.—The Secretary is directed to provide Congress, within 2 years, recommendations designed to acquire by purchase or exchange Taylor Fork Area lands owned by Big Sky Timber Company: Provided, That such recommendations are agreed to by Big Sky Lumber Company: Provided further, That nothing in this section limits the Secretary's authority to acquire or purchase said lands.

(d) DESCRIPTION OF LANDS.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Taylor Fork Area", dated September, 1992.

(e) LAND ACQUISITION AUTHORITIES.—Acquisition pursuant to this section shall be under existing authorities available to the Secretary: Provided, That notwithstanding any other law, exchanges authorized in this section shall not be restricted within the same State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(g) EQUAL VALUE.—Any exchange of lands between Big Sky Lumber Company and the United States shall be for equal value.

(h) REFERENCES.—The reference and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors.

(i) REPORTS TO CONGRESS.—For a period of 2 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 17. LAND CONSOLIDATION—GALLATIN AREA.

(a) IN GENERAL.—The Secretary shall work diligently to assure all lands within what is generally known as the Gallatin Range owned by Big Sky Lumber Company, its assignee or successors in interest, not acquired, purchased or exchanged pursuant to sections 14 and 15 of this Act are acquired by the United States through exchange or purchase.

(b) DIRECTION.—The Secretary is directed to provide Congress, within 3 years, recommendations designed to acquire by purchase or exchange Gallatin Area lands owned by Big Sky Timber Company: Provided, That such recommendations are agreed to by Big Sky Lumber Company: Provided further, That nothing in this section limits the Secretary's authority to acquire or purchase said lands.

(c) DESCRIPTION OF LANDS.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled "Gallatin Area", dated September, 1992.

(d) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary: Provided, That notwithstanding any other law, exchanges authorized in this section shall not be restricted within the same State.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(f) EQUAL VALUE.—Any exchange of lands between Big Sky Lumber Company and the United States shall be for equal value.

(g) REFERENCES.—The reference and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors.

(i) REPORTS TO CONGRESS.—For a period of 3 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

The CHAIRMAN. No amendment to the substitute is in order except those amendments printed in House Report 102–970. Each amendment shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, and shall not be subject to amendment. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

If more than one of the amendments is adopted, only the last amendment is considered as finally adopted.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARLENEE

Mr. MARLENEE. Mr. Chairman, I offer an amendment in the nature of a substitute which has been made in order pursuant to the rule, which is essentially a compromise for S. 1696 and which has been printed in the report accompanying House Resolution 590, the rule on S. 1696.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The test of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MARLENEE: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Montana National Forest Management Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wild land for the benefit of the American people.

(2) The existing Department of Agriculture Land and Resource Management Plans for Forest System lands in the State of Montana have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System.

(3) The existing Department of Agriculture Land and Resource Management Plans for National Forest System lands in the State of Montana and the related congressional review of such lands have also identified areas that do not possess outstanding wilderness attributes or possess outstanding energy, mineral, timber, grazing, dispersed recreation, or other values. Such areas should not be designated as components of the National Wilderness Preservation System but should be available for non-wilderness multiple uses under the land management planning process and other applicable law.

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

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, and physical and mental challenge; and

(2) ensure that certain other National Forest System lands in the State of Montana be available for nonwilderness uses.

SEC. 3. WILDERNESS DESIGNATIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964, the following lands in the State of Montana are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Beaverhead, Bitterroot, and Deerlodge National Forests, which comprise approximately twenty-nine thousand one hundred acres, as generally depicted on a map entitled "Anaconda-Pintler Wilderness Additions—Proposed" (North Big Hole, Storm Lake, Upper East Fork), dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Anaconda-Pintler Wilderness.

(2) Certain lands in the Beaverhead National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Italian Peaks Wilderness—Proposed", dated September 1991, and which shall be known as the Italian Peaks Wilderness.

(3) Certain lands in the Beaverhead National Forest, which comprise approximately seventy-nine thousand five hundred acres, as generally depicted on a map entitled "East Pioneer Wilderness—Proposed", dated September 1991, and which shall be known as the East Pioneer Wilderness.

(4) Certain lands in the Beaverhead National Forest, Montana, comprising approximately seventy-six thousand six hundred acres, as generally depicted on a map entitled "West Big Hole Wilderness—Proposed", dated September 1991, and which shall be known as the West Big Hole Wilderness.

(5) Certain lands in the Bitterroot, Deerlodge, and Lolo National Forests, which comprise approximately sixty-four thousand eight hundred acres, as generally depicted on a map entitled "Stony Mountain Wilderness—Proposed", dated November 1991, and which shall be known as the Stony Mountain Wilderness.

(6) Certain lands in the Bitterroot and Lolo National Forests, which comprise approximately fifty-five thousand six hundred acres, as generally depicted on maps entitled "Selway-Bitterroot Wilderness Additions—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Selway-Bitterroot Wilderness. The use of motorized equipment shall be prohibited on those lands surrounding High Lake which are excluded from the area designated as wilderness by this para-

graph, except for such equipment (including access by helicopter) as the Secretary determines to be necessary to allow for the operation and maintenance of the impoundment located on High Lake.

(7) Certain lands in the Custer National Forest, which comprise approximately five thousand eight hundred acres, as generally depicted on a map entitled "Lost Water Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Lost Water Canyon Wilderness.

(8) Certain lands in the Custer National Forest, which comprise approximately six thousand acres, as generally depicted on a map entitled "Absaroka Beartooth Wilderness Additions—Proposed" (Burnt Mountain, Timberline Creek, Stateline and Mystic Lake), dated November 1991, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(9) Certain lands in the Deerlodge and Helena National Forests, which comprise approximately nineteen thousand acres, as generally depicted on a map entitled "Blackfoot Meadow-Electric Peak Wilderness—Proposed", dated September 1991, and which shall be known as the Blackfoot Meadow Wilderness.

(10) Certain lands in the Deerlodge and Bitterroot National Forests, which comprise approximately fifty-six thousand acres, as generally depicted on a map entitled "Sapphires Wilderness—Proposed", dated November 1991, and which shall be known as the Sapphires Wilderness.

(11) Certain lands in the Flathead National Forest, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed (Tuchuck and Mount Hefty)", dated November 1991, and which shall be known as the North Fork Wilderness.

(12) Certain lands in the Flathead, Helena, Lolo, and Lewis and Clark National Forests, which comprise approximately two hundred fifteen thousand seven hundred acres, as generally depicted on maps entitled "Arnold Bolle Additions to the Bob Marshall Wilderness—Proposed" (Silver King-Falls Creek, Renshaw, Clearwater-Monture, Deep Creek, Teton High Peak, Volcano Reef, Slippery Bill, Limestone Cave, and Crown Mountain), dated November 1991, which shall be known as the Arnold Bolle-Bob Marshall Wilderness Additions and are incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness.

(13) Certain lands in the Flathead National Forest, which comprise approximately nine hundred and sixty acres, as generally depicted on a map entitled "North Mission Mountain Wilderness Additions—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the North Mission Mountain Wilderness.

(14) Certain lands in the Flathead and Lolo National Forests, comprising approximately one hundred and fifty-nine thousand five hundred acres, as generally depicted on maps entitled "Jewel Basin/Swan Wilderness—Proposed", dated November 1991. Those lands contiguous to the west slope of the Bob Marshall Wilderness referred to in this paragraph are hereby incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness, while the remaining lands shall be known as the Swan Crest Wilderness.

(15) Certain lands in the Gallatin National Forest, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "North Absaroka Wilderness Additions—Proposed" Republic Mountain and Dexter Point), dated November 1991, and which are hereby incorporated in and shall be deemed to be a part of the North Absaroka Wilderness.

(16) Certain lands in the Gallatin National Forest, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on a map entitled "Lee Metcalf Cowboys Heaven Addition—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Lee Metcalf Wilderness.

(17) Certain lands in the Gallatin National Forest, which comprise approximately twenty-two thousand acres, as generally depicted on a map entitled "Earthquake Wilderness—Proposed", dated September 1991, and which shall be known as the Earthquake Wilderness.

(18) Certain lands in the Helena National Forest, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Camas Creek Wilderness—Proposed", dated September 1991, and which shall be known as the Camas Creek Wilderness.

(19) Certain lands in the Helena National Forest, which comprise approximately fifteen thousand acres, as generally depicted on a map entitled "Mount Baldy Wilderness—Proposed", dated September 1991, and which shall be known as the Mount Baldy Wilderness.

(20) Certain lands in the Helena National Forest, Montana, which comprise approximately ten thousand five hundred acres, as generally depicted on a map entitled "Gates of the Mountain Wilderness Additions—Proposed" (Big Log), dated September 1991, and which are hereby incorporated in and shall be deemed to be part of the Gates of the Mountain Wilderness.

(21) Certain lands in the Helena National Forest, which comprise approximately eight thousand five hundred acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Black Mountain Wilderness. The Secretary of Agriculture, using existing statutory authority, shall give special attention to the acquisition of non-federally owned lands within the Black Mountain Wilderness.

(22) Certain lands in the Kootenai National Forest, which comprise approximately thirty-one thousand acres, as generally depicted on a map entitled "Cabinet Mountains Wilderness Additions—Proposed", dated November 1991, and which are hereby incorporated in and shall be deemed to be part of the Cabinet Mountains Wilderness.

(23) Certain lands in the Kootenai National Forest, which comprise approximately fifty thousand acres, as generally depicted on a map entitled "Scotchman Peaks Wilderness—Proposed", dated September 1991, which shall be known as the Scotchman Peaks Wilderness.

(24) Certain lands in the Kootenai and Lolo National Forests, which comprise approximately seventeen thousand nine hundred acres, as generally depicted on a map entitled "Cateract Peak Wilderness—Proposed", dated September 1991, which shall be known as the Cateract Peak Wilderness.

(25) Certain lands in the Lolo and Kootenai National Forests, which comprise approximately seventeen thousand nine hundred acres, as generally depicted on a map entitled "Cube Iron/Mount Silcox Wilderness—Proposed", dated November 1991, which shall be known as the Cube Iron/Mount Silcox Wilderness.

(26) Certain lands in the Lolo National Forest, which comprise approximately ninety-four thousand seven hundred acres, as generally depicted on a map entitled "Great Burn Wilderness—Proposed", dated September 1991, which shall be known as the Great Burn Wilderness.

(27) Certain lands in the Lolo National Forest, which comprise approximately sixty thousand one hundred acres, as generally depicted on a map entitled "Quigg Peak Wilderness—Proposed", dated September 1991, which shall be known as the Quigg Peak Wilderness.

(b) MAPS AND LEGAL DESCRIPTIONS.—(1) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in this section and legal descriptions of each wilderness area designated by this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act.

(2) The Secretary may correct clerical and typographical errors in the maps and the legal descriptions submitted pursuant to this section.

(3) Each map and legal description referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, D.C. and at the office of the Region I Forester, Missoula, Montana.

(c) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated by this section shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964, except that, with respect to any area designated in this section, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) WILDERNESS AREA PERIMETERS.—Congress does not intend that the designation of wilderness areas in this section will lead to the creation of protective perimeters or buffer zones around such areas. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) GRAZING.—The grazing of livestock, where established prior to the date of enactment of this Act, in wilderness areas designated in this section shall be administered in accordance with section 4(d)(4) of the Wilderness Act of 1964 and section 108 of an Act entitled "An Act to designate certain National Forest System Lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes" (94 Stat. 3271; 16 U.S.C. 1133 note).

(f) STATE FISH AND GAME AUTHORITY.—In accordance with section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Montana with respect to wildlife and fish in the national forests of Montana.

(g) HUNTING.—Subject to applicable law, Congress recognizes hunting as a legitimate and beneficial activity within wilderness areas designated in this section. Nothing in this Act or the Wilderness Act of 1964 shall be construed to prohibit hunting in such areas.

(h) COLLECTION DEVICES.—(1) Within the wilderness areas designated in this section,

neither the Wilderness Act of 1964 or this Act shall be construed to prevent the installation and maintenance of hydrological, meteorological, or climatological collection devices and ancillary facilities subject to such conditions as the Secretary deems desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes.

(2) Access to the devices and facilities described in paragraph (1) shall be by the means historically used, if that method is the least intrusive practicable means available.

SEC. 4. WATER RIGHTS.

(a) FINDING.—The Congress finds that the waters within the wilderness areas designated by section 3 of this Act are headwaters, and accordingly, this Act has no effect on the appropriation or adjudication of waters within the State of Montana under applicable law.

(b) RULES OF CONSTRUCTION.—Nothing in this Act is intended or shall be construed:

(1) to affect the downstream appropriation or adjudication of water;

(2) to affect existing water rights as provided under Montana state law;

(3) to affect the determination of express or implied reserved water rights as determined under other laws;

(4) as establishing a precedent with regard to any future wilderness designations or any interpretation of any other Act or wilderness designation.

SEC. 5. RELEASE TO NONWILDERNESS MULTIPLE USE.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has adequately met the wilderness study requirements of Public Law 94-557;

(2) the Land and Resource Management Plans and associated Environmental Impact Statements (hereinafter referred to as "Land and Resource Management Plans") for all the National Forests in the State of Montana have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Montana and of the environmental and economic impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without otherwise passing on the question of the legal and factual sufficiency of the Land and Resource Management Plans and their associated environmental impact statements for National Forest System lands in the State of Montana completed prior to the enactment of this Act, prior to the revision of such Plans, decisions to allocate roadless areas to wilderness or nonwilderness categories, and the environmental analyses directly related to such allocations shall not be subject to judicial review:

(A) *Provided, however*, That, except for decisions allocating lands to wilderness and nonwilderness categories, nothing in this section shall preclude judicial review of Department of Agriculture decisions implementing such Plans or decisions made concerning the management of National Forest lands subsequent to their allocation to wilderness and nonwilderness categories:

(B) *Provided further*, That, except for decisions allocating lands to wilderness and nonwilderness categories, nothing in this section shall preclude judicial review of Forest Service regional guides and other departmental policies of general applicability, nor prevent a court from invalidating forest planning decisions which fail to comply with applicable law;

(2) except as specifically provided in sections 3, 6, 7, 8, and 9 of this Act and in Public Law 95-150, with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture under Public Law 94-557, the unit plans that were in effect prior to completion of RARE II, the 1978 Forest Plan for the Beaverhead National Forest, and the Land and Resource Management Plans, that such reviews shall be deemed an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the Land and Resource Management Plans, but shall review the wilderness option when such plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to that time the Secretary finds that conditions in a unit have significantly changed;

(3) those National Forest System lands in the State of Montana referred to in paragraph (2) of this subsection which were not designated as wilderness, special management, national recreation or wilderness study areas by this Act shall be managed for multiple use in accordance with land and resource management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, and those areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial Land and Resource Management Plans;

(4) if revised Land and Resource Management Plans for the National Forest System lands in the State of Montana are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for purposes of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Foreign Management Act, the term "revision" shall not include an amendment to a land and resource management plan.

(d) Except as where specifically provided elsewhere in this Act, the provisions of this section shall also apply to those National Forest System roadless lands in the State of Montana which are less than five thousand acres in size.

(e) Notwithstanding the provisions of paragraph (b)(2) of this section, the requirements of Public Law 95-150 are deemed to be satisfied with respect to the Sapphire and Middle Fork of the Judith Wilderness study areas.

SEC. 6. SPECIAL MANAGEMENT AREAS.

(a) For the purposes of conserving, protecting and enhancing the exceptional scenic, fish and wildlife, biological, educational and recreational values of certain National Forest System lands in the State of Montana, the following designations are made:

(1) The Mount Helena National Education and Recreation Area located in the Helena National Forest, comprising approximately three thousand nine hundred acres, as generally depicted on a map entitled "Mount Helena National Education and Recreation Area—Proposed", dated September 1991.

(2) The Hyalite National Education and Recreation Area located in the Gallatin National Forest, comprising approximately eighteen thousand nine hundred acres, as generally depicted on a map entitled "Hyalite National Recreation and Education Area—Proposed", dated September 1991.

(3) The Northwest Peak National Recreation and Scenic area located in the Kootenai National Forest, comprising approximately sixteen thousand seven hundred acres, as generally depicted on a map entitled "Northwest Peak National Recreation and Scenic Area—Proposed", dated September 1991.

(4) The Buckhorn Ridge National Recreation Area located in the Kootenai National Forest, comprising approximately twenty thousand acres, as generally depicted on a map entitled "Buckhorn Ridge National Recreation Area—Proposed", dated September 1991.

(5) The Tenderfoot/Deep Creek National Recreation Area located in the Lewis and Clark National Forest, comprising approximately fifty thousand acres, as generally depicted on a map entitled "Tenderfoot/Deep Creek National Recreation Area—Proposed", dated November 1991.

(b) The Secretary shall file the maps referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on interior and Insular Affairs, United States House of Representatives, and each such map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps may be made. Each such map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Region I Forester.

(c)(1) Except as otherwise may be provided in this subsection, the Secretary shall administer the areas designated in subsection (a) so as to achieve the purposes of their designation as national recreation areas in accordance with the laws and regulations applicable to the National Forest System.

(2)(A) Except as provided in subparagraph (B), all federally owned lands within the areas designated in subsection (a) are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(B) The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the areas designated in subsection (a) in the

manner described by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the mineral leasing laws, if he finds that such dispostiion would not have significant adverse effects on the administration of the recreation areas.

(C) Nothing in this subsection shall affect valid existing rights within the areas designated in subsection (a).

(3) Management activities may be permitted by the Secretary if compatible with the purposes for which the areas are designated: *Provided*, That nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(4) Where the Secretary determines that such use is compatible with the purposes for which an area is designated, the use of motorized equipment shall be permitted in the areas subject to applicable law and applicable land and resource management plans.

(5) The grazing of livestock, where established prior to the date of enactment of this Act shall be permitted to continue subject to applicable law and regulations of the Secretary.

(d) The Secretary shall manage the Mount Helena and Hyalite National Education and Recreation Areas with a focus on education. All management activities shall be conducted in a manner that provides the public with an opportunity to become better informed about natural resource protection and management.

(e) Those areas established pursuant to subsection (a) shall be administered as components of the national forests wherein they are located. Land and resource management plans for the affected national forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall emphasize achieving the purposes for which the areas are designated.

SEC. 7. ELKHORNS NATIONAL RECREATION AND WILDLIFE AREA.

(a)(1) The area of the Helena and Deerlodge National Forests comprising approximately one hundred seventy-five thousand seven hundred acres, as generally depicted on a map entitled "Elkhorns National Recreation and Wildlife Area—Proposed", dated September 1991, is hereby designated as a national recreation and wildlife area and shall hereafter be managed as a national recreation area that emphasizes enhancement of big game habitat. Except as otherwise provided in this section, the Secretary shall administer the area so as to achieve the purposes of its designation as a national recreation and wildlife area. Where compatible with such emphasis, and consistent with applicable law and applicable land and resource management plans, management also shall provide for recreational opportunities (including, but not limited to, opportunities for motorized recreation) and the maintenance and enhancement of habitat for nongame species. Hunting shall be permitted within the area subject to applicable State and Federal law.

(2) Those lands within the Elkhorns National Recreation and Wildlife Area designated as "Elkhorns-2" on the map referenced in paragraph (1) shall, notwithstanding any other provision of this section, remain roadless. Motorized equipment may be used by the Secretary, or other public agencies with the approval of the Secretary, after public notice and opportunity for comment and a finding by the Secretary that such use is required for habitat improvement for fish and wildlife. Any area disturbed by such motorized equipment shall be restored to contour and revegetated with appropriate native plant species as expeditiously as possible.

(b) The Secretary shall file the map referred to in this section with the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs of the United States House of Representatives, and the map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in the map may be made. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) Subject to valid existing rights, all federally owned lands within the area designed as "Elkhorns-2" are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(d) Management activities may be permitted by the Secretary if compatible with the purposes for which the Elkhorns National Recreation and Wildlife Area is designated: *Provided*, That nothing in this section shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(e) The Elkhorns National Recreation and Wildlife Area established pursuant to this section shall be administered as a component of the Helena and Deerlodge National Forests. Land and resource management plans for these National Forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall emphasize achieving the purposes for which the area is designated.

SEC. 8. WILDERNESS STUDY AREAS.

(a) DESIGNATION.—The following areas are hereby designated as wilderness study areas and shall be managed in accordance with the provisions of this section:

(1) Certain lands in the Custer National Forest, comprising approximately seventeen thousand acres, as generally depicted on a map entitled "Line Creek Plateau Wilderness Study Area—Proposed", dated September 1991.

(2) Certain lands on the Gallatin National Forest, comprising approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "Sawtooth Mountain Wilderness Study Area—Proposed", dated September 1991.

(3) Certain lands in the Lolo National Forest which comprise approximately twenty-two thousand acres, as generally depicted on a map entitled "Sheep Mountain Wilderness Study Area—Proposed", dated November 1991.

(4) Certain lands in the Flathead National Forest which comprise approximately thirty eight thousand acres, as generally depicted on a map entitled "Thompson-Seton Wilderness Study Area—Proposed", dated November 1991.

(b) Not later than five years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives containing recommendations as to whether the areas designated in subsection (a) should be added as components of the National Wilderness Preservation System.

(c)(1) Subject to valid existing rights and except as provided in paragraph (2), the wilderness study areas designated in subsection (a) shall be managed to protect their suitability for inclusion in the National Wilderness Preservation System for a period of seven years from the date of enactment of this Act. At the end of such seven-year period, the areas shall be managed, subject to valid existing rights, in accordance with the applicable land and resource management plans.

(2) Subject to valid existing rights, the Thompson-Seton Wilderness study area shall be managed to protect its suitability for inclusion in the National Wilderness Preservation System until Congress determines otherwise.

(d) The Secretary shall file the maps referred to in this section with the Committee on Interior and Insular Affairs, United States House of Representatives, and the Committee on Energy and Natural Resources, United States Senate, and each such map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in these maps may be made. Each map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the Region I Forester.

SEC. 9. BADGER-TWO MEDICINE AREA.

(a)(1) Subject to valid existing rights, all federally owned lands as depicted on a map entitled "Badger-Two Medicine Area", dated September 1991, comprising approximately one hundred sixteen thousand six hundred acres, are withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws and from disposition under the geothermal and mineral leasing laws. Until otherwise directed by Congress, the Secretary shall manage this area so as to protect its currently existing wilderness qualities.

(2) Nothing in this section shall preclude the gathering of timber by the Blackfeet Tribe (the "Tribe") in exercise of valid treaty rights within the Badger-Two Medicine Area.

(3)(A) With respect to oil and gas leases on Federal lands within the Badger-Two Medicine Area, no surface disturbance shall be permitted pursuant to such leases until Congress determines otherwise.

(B) Notwithstanding any other law, the term of any oil and gas lease subject to the limitations imposed by this section shall be extended for a period of time equal to the term that such limitation remains in effect.

(b) The Secretary shall conduct a review of this area in accordance with the Wilderness Act of 1964 and the following provisions. Not later than five years after the date of enactment of this Act, the Secretary shall report his findings to Congress. In conducting this review:

(1) The Secretary shall establish a committee composed of representatives of the Blackfeet Tribal Business Council, the Blackfeet Tribal traditionalists, the National Park Service, and representatives of the user public including environmental groups and representatives of user industry groups (the "committee"). The committee shall regularly advise the Secretary during the preparation of the report required in subsection (b) and submit its findings to Congress concurrently with those of the Secretary.

(2) Special consideration shall be given to the religious, wilderness and wildlife uses of the area, taking into account any treaties the United States has entered into with the Blackfeet Nation.

(3) In consultation with the committee, the Secretary shall establish a process to provide information to the Tribe and interested public about options for future designation of the Badger-Two Medicine Area.

SEC. 10. PLUM CREEK LAND EXCHANGE—PORCUPINE AREA.

(a) IN GENERAL.—The Secretary shall, notwithstanding any other law, exchange lands and interests in lands with Plum Creek Timber, L.P. (referred to in this section as the "company") in accordance with this section.

(b) DESCRIPTION OF LANDS.—(1) If the company offers to the United States the fee title to approximately eight thousand one hundred thirty and sixty-seven one-hundredths acres of land owned by the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Porcupine Land Exchange", dated May 20, 1988, the Secretary of the Interior shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, convey by patent the fee title to approximately nine thousand one hundred eighty-one and seventy-four one-hundredths acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals as required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1980 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal oil and gas lease numbers 49432, 32843 and 55325; and

(C) such other terms, conditions, reservations and exceptions as may be agreed upon by the Secretary and the company.

(2) Upon termination or relinquishment of the leases referred to in paragraph (1)(B), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the county wherein the leased lands are situated.

(c) EASEMENTS.—At closing on the conveyances authorized by this section:

(1) In consideration of the easements conveyed by the company as provided in paragraph (2) of this subsection, the Secretary of Agriculture shall execute and deliver to the company easements over federally owned lands for such existing or future roads as are needed to provide the company, its successors and assigns, access to company-owned lands.

(2) In consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States easements over company-owned lands for such existing or future roads as are needed to provide the United States, and its assigns, access to federally owned lands.

(3) Road easements conveyed pursuant to this subsection shall be in the form customarily used by the Forest Service and cooperators for cost-shared roads in Road Right-of-Way Construction and Use Agreements.

(d) REVOCATION OF ORDER OF WITHDRAWAL.—The order of withdrawal contained in Executive Order No. 30-Montana 7-Phosphate Reserve, dated October 9, 1917 (960 acres, more or less), insofar as it applies to the lands conveyed by the United States in the transactions authorized by this section, is revoked.

(e) MAPS.—The maps referred to in subsection (b) shall be subject to such minor corrections as may be agreed to by the Secretary and the company. The Secretary of Agriculture shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of any correction made pursuant to this subsection.

(f) TIMING OF TRANSACTION.—It is the intent of Congress that the conveyances authorized by this section be completed not later than ninety days after the date of the enactment of this Act.

(g) FOREST LANDS.—All lands conveyed to the United States pursuant to this section shall become national forest system lands to be administered by the Secretary in accordance with applicable law.

SEC. 11. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—The Secretary shall, notwithstanding any other law, acquire by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (referred to in this section as the "company") in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b)(1) DESCRIPTION OF LANDS.—If the company offers to the United States the fee title to approximately thirty-seven thousand seven hundred fifty-two and fifteen one-hundredths acres of land owned by the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary of the Interior shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, convey by patent the fee title to approximately twelve thousand four hundred-fourteen and six one-hundredths acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 23290, 29230, 40389, 53670, 40215, 38678, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations and exceptions as may be agreed upon by the Secretary of Agriculture and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the country wherein the leased lands are situated.

(c) EASEMENTS.—At closing on the conveyances authorized by this section:

"(1) In consideration of the easements conveyed by the company as provided in paragraph (2), the Secretary shall execute and deliver to the company easements for such existing or future roads as are needed to provide the company, its successors and assigns, access to company-owned lands.

(2) In consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States easements over company-owned lands for such existing or future rights-of-way as are needed to provide the United States, and its assigns, access to federally owned lands.

(3) Road easements conveyed pursuant to this subsection shall be in the form customarily used by the Forest Service and cooperators for cost-shared roads in Road Right-of-Way Construction and Use Agreements.

(d) MAPS.—The maps referred to in subsection (b) are subject to such minor corrections as may be agreed upon by the Secretary and the company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of any corrections made pursuant to the subsection.

(e) TIMING OF TRANSACTION.—It is the intent of Congress that the conveyances authorized by this section be completed within ninety days after the date of enactment of an Act making the appropriation authorized by subsection (g).

(f) FOREST LANDS.—All lands conveyed to the United States pursuant to this section shall become national forest system lands to be administered by the Secretary in accordance with applicable law.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum of $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

SEC. 12. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated (referred to in this section as the "company");

(2) there are federally owned minerals underlying lands of the company lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within two years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary and the company, the Secretary may acquire mineral interests owned by the company or an affiliate of the company thereof underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988 and "Severed Minerals Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the mineral interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To ensure that the wilderness or other natural values of the areas are not affected, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, but the Secretary and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by the company.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying company lands, the Secretary and the Secretary of the Interior may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—(1) The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company and its affiliates.

(f) DEFINITION.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

(g) ENVIRONMENTAL LAW.—The execution and performance of an exchange agreement and the taking of other actions pursuant to this section shall not be deemed a major Federal action significantly affecting the quality of the environment within the meaning of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), nor shall they require the preparation of an environmental assessment under this Act.

SEC. 13. LANDS ADMINISTERED BY BUREAU OF LAND MANAGEMENT.

(a) FINDING.—The Congress has reviewed the suitability of the Bitter Creek Wilderness Study Area (MT-064-356, BLM Wilderness Study Number) and approximately two thousand five hundred acres of the Axolotl Lakes Wilderness Study Area (MT-076-069, BLM Wilderness Study Number) as generally depicted on a map entitled "Axolotl Lakes WSA", dated March 1990, for wilderness designation and finds that those lands have been sufficiently studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) DIRECTION.—The areas described in subsection (a) shall no longer be subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(c) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (3) and (26) of section 3(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

SEC. 14. MISCELLANEOUS PROVISIONS.

(a) Those lands comprising the Rattlesnake National Recreation Area and Wilderness, as designated in Public Law 96-476 are hereby redesignated as the "Rattlesnake National Education and Recreation Area and Wilderness".

(b) Those lands comprising approximately twenty four thousand acres, as generally depicted on a map entitled "Gibson Reservoir Withdrawal Area—Proposed", dated November 1991, are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(c) All acreages cited in this Act are approximate and in the event of discrepancies between cited acreage and the lands depicted on referenced maps, the maps shall control.

(d) It is the policy of Congress that the Forest Service acquire and maintain reasonable public access to National Forest System lands in the State of Montana.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) such sums as are necessary for the development of a wilderness education and ranger training complex at the Ninemile Ranger Station, Lolo National Forest, Montana; and

(2) such sums as are necessary to carry out this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Montana [Mr. MARLENEE] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Montana [Mr. MARLENEE].

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

Mr. Chairman, my amendment is identical to the Senate-passed Baucus-Burns bill. If it is passed by the House today, the process is greatly expedited. We have no conference. we have no problem in ironing out the differences. We have a law as soon as the President signs the bill.

Any other version of this bill, such as the Vento-Williams, would be sent to conference and would kill the Montana wilderness bill effort. Although I pledge myself to attend the conferences necessary, because the differences in these versions cannot be settled in the 3 days that are left, it is my sincere feeling that we will, in fact, be unable to pass the bill. The passage of any other version but the one that I offer today spells the death knell and moves Montana wilderness legislation one step closer to the grave.

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

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just suggest that the gentleman from Montana in general debate referred to me as being unyielding, uncompromising, and unwilling to work on things. I would suggest that his opening comments introducing the measure that he has and has a right to do, and I respect his right to do so, did not sound like an offer of good will or a willingness to compromise and to work out whatever differences that might exist. I regret that, and I hope that that is not actually the result.

Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS], in opposition to the Marlenee amendment.

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

Mr. Chairman, the Montana wilderness bill as reported by the Senate is replete with mistakes. In one section the Senate Marlenee bill adds lands to a wilderness area that does not exist; in another section the Senate bill adds lands in Montana to a wilderness area located in Wyoming; in another section of the bill management of Bureau of Land Management lands that do not exist are transferred to Forest Service, television towers are placed in wilderness in other Senate sections.

If this were not enough, the Senate Marlenee bill, because it did not go through even 1 minute of public hearings directly on its proposals, does not include critical adjustments in area designations crucial to both jobs and continued recreational opportunities. These adjustments were made by the House Interior version of this bill because we listened to those Montanans who testified not once but twice in the House. Let me share just a few examples with you:

The Senate bill does not protect recreation. In fact the House version of the wilderness bill closes fewer motorized recreation trails than does the Senate bill. In just one area in Montana the Senate bill closes as many as 17 motorized access trails in an area called the West Bighole. Folks from Beaverhead County including the county commissioners, local ranchers, and local conservationists were stunned to find that the Senate had ignored a longstanding agreement that set aside the West Bighole area as a combination of wilderness and recreation area. The House Interior bill recognizes that agreement and opens those trails and still protects critical elk habitat as wilderness.

In a small area just above the town of West Yellowstone, close to the western entrance to Yellowstone Park, the Senate bill included, in wilderness, lands in the earthquake area that the West Yellowstone Chamber of Commerce, local businesses, and the mayor

and city council asked not be designated because of the area's critical importance to local snowmobilers. The House bill deletes those lands and still designates a significant portion of the area as wilderness.

In a beautiful pristine area just outside of Hamilton, MT, there is a range of mountains called the Sapphires which were set aside in 1976 by then Senator Lee Metcalf in a management category that preserved the areas wilderness characteristics but still allowed motorized activites to continue. The Senate bill placed wilderness in this area in a way that satisfied neither the conservationists nor the motorized uses, the House bill returns that area to its current status.

I could go on, but instead lets look at the Senate bill's protection of jobs.

It has been the longstanding policy of the Montana delegation not to place wilderness designations over patented mining claims. The Senate bill mistakenly places mining claims in wilderness.

Just before the House considered the Senate bill I concluded land trade negotiations with the current owners of a significant amount of checkerboard land all along the Gallatin Mountain range just north of Yellowstone Park. Since 1925, it has been the desire of local conservationists, the land owner, and the Federal Government to, because of the critical importance of these lands to the wildlife of Yellowstone Park, consolidate the lands in the Gallatin range into Federal ownership and find lands elsewhere suitable for harvest to allow the continued operation of the local mill in Belgrade, MT. In fact if a land trade is not accomplished the local mill is sure to close or be forced into taking timber from these critical wildlife areas. The Senate bill does not contain the new agreement, but the House Interior bill does.

The owner of the Maverick Mountain Ski Hill testified that if there was not an adjustment to the boundary of an existing wilderness study area then he would not be able to continue the operation of his local ski hill. He worked with local conservationists to come up with a solution to his problem, and the Senate Marlenee bill does not enact that solution, the House bill does.

Now that it is clear that the Senate bill does not protect jobs or recreation, let's examine if it protects Montana water rights.

Recently the Federal courts have found that lands designated under the 1964 Wilderness Act carry with that designation a Federal water right for the purposes for which the area was set aside. My colleague has made a great deal about how he wants to protect Montana water users from the designation of a Federal water right in wilderness. Does the Senate bill repeal the current court action? No. Does it make clear what rights Montanans have in regard to this Federal right? No. What it does do is sidestep the issue and leave the determination of Montanans rights to the whim of the Federal courts. The House bill while leaving in place the Federal water right for wilderness specifically declares that the Federal right is junior to all existing Montana rights and any dispute about those rights must be settled in Montana's water courts. The House Interior bill clearly protects Montana's water users better than the Senate bill.

There is one other area in which the House bill is superior to the Senate and this is in an area that my colleagues from the other side of the aisle do not mention much. This is in the protection of the last of our great wild lands and critical game habitat. The Senate bill omitted from wilderness designation areas that have for years been advocated for protection due to their beauty and importance. Areas like the Whitefish Range adjacent to Glacier National Park, Roderick Mountain in the remote Yaak Valley, Charlie Russell country in the Judith Basin, and Indian sacred ground and wildlife habitat in the Crazy Mountains. The Senate bill also paid little attention to those lands that hunters have for decades advocated for protection because of their importance to the survival of our great game herd. Montana currently has the longest and best elk hunting seasons in the world. Without protection of areas important to winter range, calving areas, and remaining cover what is in store for Montanans is less opportunity and eventually the same type of hunting lottery system all other States now experience.

Lands along the game ranges of the Rocky Mountains front, along the Continental Divide in places like Nevada Mountain, in the critical areas of places like Cowboys Heaven and Trout Creek, the Senate bill simply ignored the findings of game managers and hunters.

The Senate protection of critical fisheries and spawning areas, important river drainages, and essential headwaters was not much better and the House heard from anglers from across Montana who called for the protection of areas like Whale Creek and the Flints.

I believe I have made my point. It is simply the act of political expediency for those who are calling for enactment of the Senate bill without amendments. This cannot be done, it should not be done. It is also tiresome to hear those who called for the last RARE II veto to idly threaten another one. There is only one way to resolve these issues and avoid the need for a veto and that is to pitch in, compromise, and do your homework. I am only sorry that my colleague from Montana has chosen to date to demagogue, divide, frighten, and demand solutions that are neither farsighted nor practical.

I urge that we get on with passage of the House Interior bill and set aside the posturing for 30 second spots and political advantage.

□ 1530

Mr. MARLENEE. Mr. Chairman, well, again it is time to move the shells to see what is under them. That is what I shall attempt to do.

The chairman of the Subcommittee on Public Lands said "we are not going to have it, we are not going to have the Montana wilderness bill compromise, I am going to see to that in committee." Obviously, my colleague, PAT WILLIAMS, has agreed with that.

But I think he has made a misstatement when he has said that every group that has spoken on the bill has opposed it. Groups like the Montana Stock Growers, Montana Farm Bureau, and this letter to the editor that appeared in most major Western newspapers that has some 60 different groups in it.

The letter referred to is as follows:

WILDERNESS IS A MONTANA ISSUE, OPEN LETTER TO MONTANA'S CONGRESSIONAL DELEGATION

No issue is more vital to Montana's future than reasonable access to our natural resources. That includes how much federal land is placed in wilderness.

This is a critical time. The elected officials of Montana must protect access to those resources for the benefit of working families and the businesses—small and large—that employ them.

Montana cannot afford to have its natural resources "nationalized" through unreasonable increases in wilderness acreage. Remember, we already have 3.4 million acres set aside.

Long before anyone heard of national organizations like the Audubon Society, the Sierra Club, the National Wildlife Federation, the Wilderness Society, and movie and television celebrities, Montanans were building homes, businesses and communities.

Montana loggers, miners, oilmen, ranchers and farmers, retail and wholesale people were building Montana when these modern day "discoverers" didn't know we existed. Montana workers and businesses paid the taxes that built the streets, the parks, the communications and transportation infrastructure, the water storage facilities and the schools and universities that educated us all and helped make Montana the "last best place". They still do.

We are all Montanans. We do not feel guilty about harvesting trees, extracting minerals, using water, and raising livestock and grains. We respect our relationship with nature when we hunt, fish, and ride our snowmobiles, trailbikes and 4 x 4's.

Wilderness designation isn't just saying NO to logging, mining, oil and gas extraction and grazing. Wilderness means saying goodbye to snowmobiling, mountain biking, trail bike riding, wheelchairs, motorized hunting access—any mechanized function whatsoever.

The Forest Service has recommended only 806,000 acres of new wilderness compared to the 1.2 million already proposed. The LAST thing Montana needs is for Congress to add more acres to the Baucus-Burns Wilderness bill.

Our Congressional delegation must stand up for Montana's working people and Montana's businesses. The Eastern Montana College and the Montana Chamber of Commerce polls reflect one opinion: 71.9% of Montanans believe there is already enough or too much wilderness in our state.

WHAT ELSE DO MONTANANS WANT?

No more wilderness studies. We want an end to the wilderness debate.

To protect Montana's water rights. To be sure that all Montana waters are adjudicated under Montana law, not by Congress.

At least a ten year interval before the Forest Service is required to provide new wilderness recommendations. Otherwise some Montana forests will be stampeded into drafting new wilderness recommendations as soon as next year.

The ability to manage our public resources * * * not lock them up.

Consideration of local government needs and concerns in making land use decisions that impact the economic stability of communities.

We the undersigned, recognize that there will be more wilderness. But we don't need crippling acreage increases and legislation that satisfies a Hollywood agenda. We need a truly Montana wilderness bill.

This message is not new. It is a message our elected officials have heard time and time again. Some have listened. Some have not.

It's 1992. It's time to listen.

Those 2,600 people that you saw on the poster who are demonstrating in the streets said, "We don't want Vento-Williams." Are we listening?

Maybe there is a reason that it has taken 12 years to try to resolve that question about wilderness in the State of Montana. Maybe that reason is the fact that Montanans think that we have had enough wilderness unless we could end the conflict, unless we can end the conflict and go back to the professional management whereby we provide for recreation and jobs.

My colleague, PAT WILLIAMS, said he was going to protect one of the beautiful areas and that he had in fact included it in wilderness, and that was the Roderick Mountain area of Lincoln County that he lists in the Vento-Williams bill.

Eighty-five percent, 21,200 acres are suitable for timber harvesting in this area, according to the U.S. Forest Service. With 20 percent unemployment in Lincoln County, tell them that you need to protect this area even if it means the loss of those jobs. Stumpage value of this timber at today's prices, are nearly $28 million. That is enough to keep roughly 300 people employed for 2 years. It would provide $4 million to $5 million for county roads, and $2 million to $3 million for the school systems in that particular area.

Now let us move to Sanders County. There it eliminates critical revenue again for schools and roads. Designation of Trout Creek in Vento-Williams would cut off from harvest 24,200 acres of suitable timber, 219 million board feet, according to the Forest Service. This timber has stumpage value of $44 million at today's prices. That is enought to provide 700 jobs in Sanders County for 2 years, according to the University of Montana.

Well, 700 jobs here, 300 jobs there, and 500 jobs somewhere else, does that matter to Liz Claiborne and Whoppie Goldberg and those people who want to expand the Montana wilderness? I think they are pretty secure in their haven. They can come to Montana and make it a playground. But those people in the mills and in the hills, they have to depend on the policies that we put out of this U.S. Congress. That is unfortunate because this Congress is loaded and steamed with those who want to lock Montana up without balance.

Federal timber receipts for that area in Sanders County, on this harvest, would mean $7.3 million for county government and $3 million for schools.

We have just had a great debate in the State of Montana at the State legislature on how we are going to fund our school system and infrastructure within the State. Do we increase taxes? No, they do not want to increase taxes. Do we want to cut services? No, they do not want to cut services. But right here in this body, on that side of the aisle, and the environmentalists are saying, "But we can't use those resources for education, for jobs, for the economy."

Mr. Chairman, I received a letter just now from the executive office of the President, Office of Management and Budget. The administration opposes House passage of S. 1696 as reported by the House Interior and Insular Affairs Committee. The administration supports S. 1606 as passed by the Senate.

The statement of administration policy follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration opposes House passage of S. 1696, as reported by the House Interior and Insular Affairs Committee. The Administration supports S. 1696, as passed by the Senate. During further congressional consideration of the bill, the Administration will seek the following amendments:

Eliminate the Federal reservation of water rights for wilderness purposes.

Strengthen the provision to "release" for multiple-use management those roadless areas not designated as wilderness under the Forest Service's management plan. This would exclude from judicial review the initial decisions in the Forest Plans to recommend certain areas for wilderness designation and allocate others for multiple-use management. Such release language would be consistent with S. 1696, as passed by the Senate.

Modify certain wilderness areas to be more consistent with S. 1696, as passed by the Senate.

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

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to this amendment. It is flawed in four critical ways:

First, it leaves out hundreds of thousands of acres of Montana's wildlands allowing these very scenic and ecologically sensitive areas to be developed. The Big Sky country would become the Small Sky country based on this approach. Areas that the Interior Committee bill protects that the Marlenee amendment would delete include Cowboy's Heaven, the Crazy Mountains, the Rocky Mountain Front, Nevada Mountain, Flint Creek, and the Yaak. This amendment also contains the flawed release language passed by the Senate which prohibits judicial review of Forest Service management. Citizens would be prevented from appealing forest service decisions to the courts.

The Marlenee substitute seeks to have the House adopt the flawed Senate water rights language which does not give wilderness a Federal reserved water right. All recent wilderness bills passed by Congress have included expressly giving wilderness a Federal reserved water right. This amendment is inconsistent with these other wilderness bills which have been signed into law and would make Montana wilderness areas second class areas with less protection than wilderness areas in other States. Wilderness needs water. The trees, vegetation, wildlife, and fish of the wilderness ecosystem obviously cannot exist without it. To deny the ecosystem's right to have water is to deny the ecosystem's right to exist.

□ 1540

Giving wilderness water does not threaten in any way existing water users in Montana. It would be junior to the rights of existing users and, it would be adjudicated in the State of Montana.

The wilderness areas in this bill are headwaters and are a nonconsumptive use. In other words, water will continue to flow out of the wilderness to downstream users. In fact, designating these areas as wilderness ensures that this water comes to Montana users in a clean, high quality state. Furthermore, the wilderness water right will be junior to that of all existing water right holders who, thus, will have precedence over wilderness in any water disputes.

This amendment also sunsets wilderness study areas. It would open congressionally designated wilderness study areas to development long before Congress has acted to determine how they should be managed. In this bill, we maintain some 900,000 acres of land as study areas because we have been unable to resolve the final disposition of these lands. Opening them up to development simply because there has not been action because the previous wilderness bill was vetoed, would put the premium on stalling legislation.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I will yield to the gentleman from Montana briefly.

Mr. MARLENEE. Yes, Mr. Chairman, we have had study areas and we have

had some of those study areas since Lee Metcalf passed the first bill and they are still in this proposal, the gentleman's proposal.

Does the gentleman propose to sunset those so we have a date certain when the finality of that occur?

Mr. VENTO. Reclaiming my time, Mr. Chairman, my concern is that we have been unable to resolve those issues. I think the Congress has to come back and address those. I understand the gentleman's frustration with that, but we are releasing 3½ million acres in the bill.

Mr. Chairman, the Marlenee amendment is just a rehash of the flawed Senate measure that has been roundly criticized by the public and which has been rejected by the Interior Committee. I hope the House will reject it.

We cannot rubber stamp the Senate's work when they have done such a flawed job.

In fact, the gentleman from Montana [Mr. WILLIAMS] helped me tailor our bill to respond to numerous concerns that arose after the measure passed the Senate. We minimized the impact. While the acreage numbers increased, the conflicts went down. This is good policy and good work, deliberate, careful, and thorough. The Senate measure has serious flaws. They tried, and I will give them credit for that, and credit to my colleague, the gentleman from Montana [Mr. MARLENEE], but today let us support the better product, the Williams substitute, and vote "no" on the eclipsed Senate version. We have a better plan, a better policy.

Vote "no" on this substitute.

Mr. MARLENEE. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Alaska [Mr. YOUNG], the ranking member of the subcommittee, whom I greatly respect, and who has dealt with extensive wilderness and fish and wildlife areas.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time.

I have been listening to this debate from both sides of the aisle now in my office watching the television. I know by the rules we are not to mention the television audience, but in reality there are about 17 million Americans watching it today.

I would like to suggest that this issue is even beyond Montana. The issue, as the gentleman from California [Mr. DANNEMEYER] has brought forth, is a battle between philosophies in America and opportunities for the future of Americans.

It is those on that side of the aisle primarily that carry the spear for the environmental groups. They carry the spear for the elitists, the Ted Turners, for Montana, for Whoopi Goldberg, Liz Claiborne, those that have the money and the wealth derived from inundating industries, that go out and have their little niche in the great State of Montana, without any consideration for those people who are weather beaten and face the elements, and yes, their forefathers fought the enemies and established themselves there; no consideration at all for those people, to make Montana into a wilderness area supposedly for the future generations.

Damn the people here now. We don't care. We're only thinking about the future generations.

That deeply disturbs me, because in my State I watched the same body set aside 147 million acres of land, supposedly for the future generations.

By the way, it has the most oil, the most minerals, the most timber and all those other good things; set it aside—and for whom? Again these same elitists, those with money in their pockets, not the guy that has to work and ride that horse and herd the cattle, not the person who has to cut the trees down and provide the money for the shoes and braces for his children's teeth, not those people, but for the elitists.

It is ironic to me today, we watch and we hail the great collapse of the Soviet Empire. I just read in the paper today they are issuing stock to privatize Russia.

And what are we doing in this body, especially from that side of the aisle, the liberal Democrats, by the way, led by the chairman, the gentleman from Minnesota [Mr. VENTO] in the Congress, in the Interior Committee of which I am the ranking member.

Every bill that comes before it takes jobs away from Americans, takes jobs away from the people in those States, and he says to me, he says to you, "Yes, we have received thousands of letters to take and expand the bill beyond what we have today. This is a compromise."

Nonsense. Who are those letters from? Sierra Club, Friends of the Earth, trustees, Audubon Society, all these other groups of people that absolutely do not represent the working people of America.

I think, fellow Americans, you had better wake up. There is an elitist movement in this country to take away the availability of opportunity for Americans who do work.

I know the gentleman from California [Mr. DANNEMEYER] showed a map over here. We own more land as the United States of America today than any other country other than China and Russia by the Federal Government, that produces nothing.

I have to remind you, the owner of land in the government produces no taxes, produces no jobs. It does nothing. It does produce control for the elitist groups.

Now, we are talking about the substitute by the gentleman from Montana [Mr. MARLENEE]. If you want a wilderness bill, I am going to suggest to my colleagues that you support his proposal that passed the Senate with two Senators.

I am not happy with that proposal, to be very honest with you, but you certainly do not support the Vento-Williams bill, no way.

This is probably the worst piece of legislation, and by the way, for those people in Montana, remind yourselves, if you think this solves the problem, you have got another thought coming, because I heard that same argument when they locked up 147 million acres of land in Alaska in 1980. "We have solved the problem. We're going forward. We will no longer revisit this issue."

This gentleman from Minnesota revisited it again and took an additional 5½ million acres into wilderness and took away, by the way, over 5,000 jobs.

Jobs. We keep hearing the Presidential candidate, Mr. Clinton, talking about jobs. We are going to train people and put them back to work—on and doing what? Selling hamburgers?

This country has not faced up to the fact that we have stopped producing.

It is ironic to me, the same bleeding heart liberals on that side of the aisle, the Democrat side of the aisle, talk about we have got to house the poor. We have to take and give housing to the poor. We have to make housing affordable, and then they turn around and say, "Can't take any trees down, can't find any iron to make steel."

What are we going to build them out of, plastics? We cannot drill any oil.

I am saying, what a hypocrisy to have a group of people say that we are going to solve the problems of Montana by passing the Vento-Williams bill. All you are doing, you will be back here 2 years from now with another bill to add more wilderness for Ted Turner, not for the people of Montana.

I say let us vote for the Marlenee substitute. If that goes down, let us vote against this whole turkey. Let us send it back where it belongs, back into the committee and recognize the rights of the people of Montana who need work and jobs and the right to make their decisions, not somebody from Minnesota or somebody from Pennsylvania that talks about we have cut 95 percent of our trees. Nonsense. We have more trees today than we had in 1900. That is nonsense. If you went into Pennsylvania and Indiana and Ohio, yes; but the West has protected their timber. We have done the job right.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. Williams. Mr. Speaker, we have heard a lot, at least from two people on the other side, about all the out-of-State interference with this bill. The two gentlemen whose political adrenalin appears to be the most flammable on out-of-staters interfering in the Montana wilderness process are the

gentleman from California and the gentleman from Alaska.

□ 1550

Mr. Chairman, I am from Montana. As I said, almost all of the designations in this bill are in the congressional district which I am pleased to represent, and the underlying bill here is my bill. The areas that are so designated as either wilderness, or national recreation, or other were put in this bill at my urging, and I did it on behalf of, not some out-of-stater from Alaska, or California, or New York, or anywhere else, but on behalf of Montanans.

Let me note, my colleagues, that not only is the Senate bill flawed, not only does it contain both technical and substantial mistakes which must be corrected, but the sponsor of that bill here in the House, the gentleman from Montana [Mr. MARLENEE], has made statements which on their very face are incorrect and, I think, deserve a correction.

For example, just a few minutes ago he mentioned that there were 219 million board feet of timber in an area out our way called Trout Creek. There are not 219 million acres of board feet. There are 219 million acres of standing timber. It is very different, and we simply need to be accurate when we in this form try to convince our colleagues of the facts.

My colleague, the gentleman from Montana [Mr. MARLENEE], also entered into the RECORD the letter from a Montanan named Mr. Grosfield. I can understand that some Montanans, faced with the task of trying to figure out what is in this bill, quickly might not fully understand it. But I want to assure my colleague, Mr. MARLENEE, as well as Mr. Grosfield who wrote to him, his constituent, that the contents of Mr. Grosfield's letter are incorrect, at least as Congressman MARLENEE has stated them. Mr. Grosfield's private property is not surrounded by wilderness in the bill before us. No private land in this bill is surrounded by wilderness.

The gentleman from Montana [Mr. MARLENEE] went on to say, not quoting Mr. Grosfield, but rather laying his own thoughts before the House, that there was no support for putting the Crazy Mountains, which is the area in question here, close to where Mr. Grosfield lives, that there was no support for putting it in wilderness.

The Cree Indian Tribe in Montana supports formally putting it in wilderness, as we have done. The Billings Rod and Gun Club, for the purpose of protecting big game habitat, was encouraging me to declare wilderness area in the Crazies in the place where I live. Hundreds of people that live near the Crazies on the western side around a city called Livingston have petitioned to have wilderness designations in the Crazy Mountains.

The gentleman from Montana [Mr. MARLENEE] has placed an ad in the RECORD here today, or at least referred to a newspaper ad. That was an ad that a coalition of people in Montana paid for and had presented in the Montana newspapers. Every single member of that coalition has testified or written in opposition to the very bill that the gentleman from Montana [Mr. MARLENEE] brings today.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of the Marlenee substitute, not because I am particularly involved with what is done in Montana, but because what is done in Montana sets precedent for what we do in the Western States with regard to wilderness.

Let me say again how important it is, how these policies are developed in our State.

More than 50 percent of the land belongs to the Federal Government. The decisions that are made by public land managers, that are made by this body and carried out by public land managers, affect, of course, the future of our States, affects the economy of our States.

I support wilderness. I think wilderness is a great idea for those areas that are uniquely fitted to wilderness. I am a little disappointed when I hear people speak as if, if it is not put in wilderness, it suddenly is developed and paved over. That is not the case. We have forests that surround all of the wilderness that are in multiple use that are not developed, but indeed, the resources there are compatibly used multiply. I think that is very important.

I am particularly interested and supportive of the Marlenee language because, No. 1, it recognizes the water language that I think is consistent with the States and the State constitutions when we entered into this federation and the States were given control over water. I think that is as it should be. It really should not be a problem. In wilderness the water rises to the top of wilderness areas. By definition water is not withdrawn in wilderness areas, water is not consumed in wilderness areas, so the notion that we have to have a reserved water right is not consistent with the facts, and this has been a struggle all along.

I say to my colleagues, "If you really want this bill passed in the Senate, then you really need the Marlenee substitute to do this."

The other is release language. The question is: "When you have a study area, you decide to put certain parts of it into wilderness; what do you do with the rest?" Unless there is specific release language that says the remainder will be managed in multiple use, then we go on with a gridlock in the future as to what can be done with it, and the fact is it becomes de facto wilderness because we have not put in the proper language.

Finally, Mr. Chairman, in the Vento language there is a study that is designed to be developed in the northern Rockies. I am not sure we know what the northern Rockies is. But I am not at all excited about Wyoming being included in a study designed in a Montana wilderness bill without any discussion or decisions on the part of Wyoming as to how that ought to be done.

So, Mr. Chairman, I simply rise to say that wilderness is an important aspect. There are some keys to it. One of them is the recognition of States rights in water. The other is the release language.

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

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, my friends from Montana, I have been listening intently to this debate. It takes me back to 1984 when the issue before this House was the Oregon wilderness bill, and I recall many of the same arguments have been made today, and I want to reflect for a moment because of the same arguments that actually happened in Oregon.

Mr. Chairman, in that case the question was under the additional million acres of wilderness, and, if we did that, we are going to release 3 million acres for multiple use. The result of all of that has simply been, my colleagues, that there is no carrot on the stick of those who say they are going to release anything in Montana or in Oregon.

The result simply was this: We have an additional million acres in Oregon. That gives us 2 million acres of wilderness which is locked up forever. Of the 3 million left, with the advent of the spotted owl, with the intense interests from every State in the Union outside the West, we have literally locked up 3 million acres of land.

We are out of jobs in Oregon. There is no timber being harvested on the west side, most forests inside of our State, and we cannot even salvage timber on the east side where we have 3 million board feet of dead timber standing because preservationist groups say that is the way nature intended it.

I say to my colleagues, "Don't fall for the carrot on this stick. The water rights issue is an imperative, interesting and very difficult issue; no question about that. However I can guarantee you that, if you have a Federal prescribed water right at the headwaters of the Montana mountains, you will forever give up any kind of expansion, any kind of development, in the lower reaches and the valleys of Montana because that's simply the way it operates."

I listened to this question of compromise, and it seems to me that, if

two Senators from Montana, one Democrat and one Republican, and a gentleman from Montana [Mr. MARLENEE] have agreed to an issue, that seems like a compromise to me. That is three out of four Members of the delegation. I am not sure any group of people in any State could get three-quarters of their delegation to agree upon one position. Obviously Mr. MARLENEE has compromised with the Senate, and that issue is before us.

□ 1600

Beyond that, I have heard about the yearnings of passing something because Montana has been in this difficult debate, which it has been for so many years, and it seems to me that if we are going to pass anything in the late days of this session, we ought to do it without having to go to conference. It seems to me with the ending days of the session coming on the chance for a conference committee on this issue is probably impossible. It surely will be impossible to pass this bill if the President is going to veto the Vento-Williams version. That means we are going to continue this difficulty that everybody expresses and frustration into another session and on into the future, continuing to provide confusion in the State of Montana.

Mr. Chairman, all of those together would seem to me to allow us to support the gentleman from Montana [Mr. MARLENEE] in his effort. Let us put the Montana wilderness behind us. Let us go with the compromise with the Senate.

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

Mr. Chairman, I would urge opposition to the Marlenee amendment. As I think it has been pointed out, this version is flawed. The House has provided a better product, one that I think is more artfully crafted.

The fact is I think we really have an opportunity here to have a House voice in this particular process. I do not think anyone want to rubber stamp what the Senate has done based on the problems in their bill.

As I have said, the differences, while they may seem small to some in terms of the acreage involved for these conservation areas, it is absolutely essential we oppose this amendment because of the flawed sunset language for wilderness study areas, the inappropriate water language, dangerous release language.

I think we have a better product here. We have been deliberate and careful. I think the gentleman from Montana [Mr. WILLIAMS] has done careful work on this with his staff and with others in terms of this process.

Clearly all of us have a voice in the National Wilderness Preservation System. Today nearly one out of six acres of national forest lands are designated as wilderness. This is a very important classification. We have but two States remaining that have not had Statewide national forest wilderness bills passed since the RARE II study process began. One of these is Montana and 10 years has elapsed. Obviously the issue has become polarized, but I think we are close to completing this and doing it in the right way.

The other State is Idaho, which I hope we can work on in he next Congress.

Mr. Chairman, I would urge Members to advance this process and not rubber stamp the Senate proposal, especially with the flaws that have been pointed out in it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I do, as we move now to close debate on the Senate-Marlenee amendment, wish to make a couple of points for my colleague.

The first is that Montanans themselves want changes in the Senate bill. If they did not, if they had accepted that bill, then I would have gladly accepted it here in the House, because I tell my colleagues, and all who hear me will know what I am talking about, political expediency encouraged me to simply accept the Senate bill and be done with it. But for 6 months Montanans have, including the gentleman from Montana [Mr. MARLENEE], objected over and over again to parts of the Senate bill.

So we are trying to do here in this House today what Montanans overwhelmingly have asked us to do, and that is to change the bill.

Mr. Chairman, I also want my colleagues to understand this: both Senators have sent people to my office asking them to come and convince me to make changes in the bill that came from the Senate. I could delineate if time permitted what those changes are.

So the notion that three out of four people in the Montana delegation do not want changes is simply and factually inaccurate. Senator BAUCUS is somewhat more open about the changes that he wants. He has applauded this process in the House and said he recognizes the tradition and history of the Congress allowing each body to work its will on a bill. No wilderness bill, without exception, that has come from one body to the other has been accepted without some changes.

So we worked today in the best interests of Montanans and in the best of the history and tradition of this House, which says that this House and the Members of it have both the right and the duty to work their will on any legislation, particularly legislation of this importance.

Mr. Chairman, I want to thank again the gentleman from Minnesota [Mr. VENTO], and particularly my colleagues on both sides of the aisle, Republicans as well as Democrats, who have joined in this debate on the Marlenee substitute here this afternoon.

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

Mr. Chairman, reclaiming my time, I would say this is a national issue. Obviously whenever we make decisions it is not surprising to me that our good friend, the lone Member from Alaska, would like to just have the Member from Alaska unilaterally decide the decisions and/or others that represent the States that have significant acreage of national lands in them. I think we need to be careful stewards. We need to be very careful in terms of our treatment of our colleagues, the people specifically in these areas.

As my colleague from Montana indicated, we have had hearings in these areas and listened to people. We do not always agree with every local interest or every national or international interest with regard to these issues.

I would point out for those who are concerned that it has not been made clear that we have letters from the conservation groups in this country that have taken it upon themselves, the growth of which movement I think is unique to our Nation, and something I hope and think is being emulated on a global basis. But we have support from the president of the Montana Wildlife Federation, the representative from that State on the Sierra Club, the National Audubon Society, the Montana Wilderness Association, the Wilderness Society, the National Wildlife Federation president, and, of course, the Greater Yellowstone Ecosystem Conservation Organization is located in that area. I will later put those in the RECORD.

As much as possible, Mr. Chairman, these demonstrate the conservation support for the Committee on Interior and Insular Affairs product and their opposition to all amendments, including this amendment to the bill.

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

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I would like to carry on with my dialog I had with the gentleman from Montana [Mr. WILLIAMS] earlier.

Mr. Chairman, when the gentleman responded that the reason that the ninth circuit is so interested in what is going on in Montana, it is because, as the gentleman correctly answered, the law that caused the litigation to come into existence was created by the Congress of the United States. The law that we have created, among others, desperately needs to be changed.

I will mention just two areas. One deals with how we harvest timber that is standing after a fire in a region. The

current law of this country permits anybody without any standing to file an objection to a proposed harvesting of a tree that is standing as after a fire. The people that know a lot about the logging industry in my State say you have got about a year after an area is burned to get that tree out of there. Otherwise the insects and the bugs destroy it.

Would you believe, my friend, that our system today by a law passed by Congress is such that we cannot administratively get the paperwork done in order to authorize these trees to be harvested as part of productive timber before they are rendered useless for all us?

That is nonsense. This Congress should fix that. It cannot fix it because the people on that side, in my humble opinion, do not want it fixed.

Another law that needs changing badly is the Endangered Species Act. Because contrary to what most people in America believe, Congress has done the amazing thing of repealing Genesis.

□ 1610

Genesis 1 says that God created the world, created man in his own image and given man a mandate to take charge of the world and the things of the world and take dominion over all earthly things.

The Endangered Species Act of 1973, which Congress adopted, has reversed that. Animals today are more important than people. That is nonsense; this law has to be changed so we can get some balance into the use of our resources and create jobs for the American people.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I just wanted to respond to my friend from California. The law that Congress is not responsible for is Genesis, which the gentleman referred to. However, we are responsible for laws with regard to land planning.

The gentleman is correct that the Congress writes the laws that the ninth circuit court, where the Forest Service has a 100-percent record of loss, then has to apply.

The reason that the Forest Service is losing in the ninth circuit court is because ever since former President Reagan and former Interior Secretary Jim Watt and various secretaries of the Department of Agriculture, the administration has often not complied with the law that the Congress has written. They constantly obfuscate it, end run it, try to slam dunk around it, and the ninth circuit court of course, finds they are not in compliance.

If we had an administration that followed the law, they would not have a 100-percent record of loss before the ninth circuit court.

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I say to my friend from Montana, Mr. WILLIAMS, he has got the cart before the horse. The defect in the system is not what the administration of Reagan and Bush has been trying to do, to give balance to the use of our resources and create jobs for the American people, the defect is in the law that prevents that from taking place.

In my State of California, we are witnessing, my colleagues wonder why a Californian is in this debate on Montana, the answer is the Endangered Species Act has just about destroyed the timber industry in northern California with the loss of 80,000 jobs. I do not know how anyone cannot justify this pardon. Working our hands about unemployment and yet pursue a policy to add to unemployment. Whole communities in northern California are going to disappear, if we do not change this law.

And the timber, it is not just the timber industry, the agriculture industry in the Central Valley is threatened over the chinook salmon. We need to change this basic law.

The CHAIRMAN. The gentleman from Montana [Mr. MARLENEE] has 8 minutes remaining.

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

I do not like to take issue with my colleague with regard to a tangent issue, but every time the administration tries to carry out the intent of the law, if it is not carried out stringently enough, if they do not do everything on the side of the preservationists, the chairman of these committees in the U.S. Congress call those administrators up before their committee and proceed to beat up on them and make the kind of publicity that has the political impact desired to put the extremists and the environmental and green community on their side.

My colleague has made, I believe, some mischaracterizations about what I said. I am perfectly willing and capable of speaking for myself and feel that it would be the height of arrogance for someone to presume to speak for me. So let me correct what he may have said or interpreted that I said in that I wanted changes in the law.

I wanted no more wilderness, and I made that clear from the outset in this particular debate. But in an effort to facilitate the process, I had promised the people of Montana that I would not stand in the way of progress. But neither will I stand for having the rights of the people of Montana trampled by the chairman of the committee or by a legislative process that plays a shell game or by celebrities from out of State or environmental activists.

Jobs in the State of Montana and our economic well-being is too important. My colleague from Montana has said that both Senators have sent emissaries to his office to seek changes. However, in questioning Senator BURNS, I find that neither Senator BURNS nor any of his staff has, in fact, visited with the gentleman from Montana, PAT WILLIAMS, in his office about changes they might seek for the legislation.

Let me tell my colleagues what Vento-Williams does, in concluding this debate. In Lincoln County, where they put into that legislation that particular piece that my friend has referred to as Roderick Mountain, the suitable timber harvest of this area out of production with his bill. Three hundred people would have been employed in Lincoln County by this timber.

In Sanders County, timber for 700 jobs lost by designation of Trout Creek as wilderness. I would not be proud of that.

Also, it puts off limits a potential $500 million in revenue receipts that could go to support our schools coming from oil and gas development on the Rocky Mountain Front which borders well over a million acres of wilderness already.

This legislation is opposed by the NCA, National Cattleman's Association. I have a letter here that says that the water language of the Vento-Williams bill provides for "unquantified Federal reserve of water rights within the wilderness area and is strongly opposed by the National Cattleman's Association."

There is private property within the boundaries, according to the letter of the NCA, some of the boundaries are drawn. They are private property. "We particularly oppose the inclusion of the Crazy Mountains in that area."

I shall go on and requote what the Senator who represents that area said. In spite of what my colleague says, as my misrepresentation, I get this from the Senator who lives there and who should know. Unless, of course, one had drawn the map so quickly in order to expand the wilderness areas that one gives no consideration to its impacts. The Senator who lives there should know. He said:

> It contains private land, some roads, some recently logged-off areas and, indeed, a hunting lodge on one of the private sections. This addition was obviously hastily drawn and should not be designated wilderness.

This legislation proposed by Vento-Williams is opposed by the administration for the same reasons that I have outlined before. It creates an expansion of wilderness that, as I said, may be characterized by some as not a lot, but maybe it is like the city coming along and saying, "We only want a part of your sidewalk, but it is the part right next to your door."

We only want a little bit more wilderness, but it is like a pimple on the end of a nose, it is in the wrong place. And it is going to cost Montanans jobs and revenue.

In a poll done by Eastern Montana College, 71.9 percent of the people in the State of Montana believe there is enough or too much wilderness in the State of Montana.

□ 1620

That is the basic argument about what we are doing here today, and it is no wonder that we have been 12 years, 12 years, in arriving at a Montana wilderness bill, when really they did not want a lot more wilderness. This bill gives us too much. It is too much for Montanans to accept and abide by. That is exemplified by 2,600 people demonstrating in the streets.

One more thing. The characterization of the paid ad by my colleague from Montana, the characterization of this paid ad as these people testifying in favor of the bill or wanting changes in the bill, this came about and was placed in the papers the day that we voted in the subcommittee on the Vento-Williams legislation.

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

The CHAIRMAN. The gentleman from Montana [Mr. MARLENEE] has 30 seconds remaining, and the gentleman from Minnesota [Mr. VENTO] has 3 minutes remaining, and he has the right to close debate.

Mr. MARLENEE. Mr. Chairman, I have no further speakers. If the gentleman wishes to close debate, I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I yield the remaining 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I urge all my colleagues to oppose the Marlenee amendment, oppose his legislation. It is replete with errors and is flawed, both technically and substantively.

The Marlenee amendment closes more motorized recreational trails than does the Williams bill before us here today. It is the Marlenee amendment and only the Marlenee amendment that surrounds private lands with wilderness. It does that in an area called the Sawtooth. It also surrounds, with wilderness, patented mining claims. It does that in an area called the Camus.

It is the Marlenee amendment that would completely prevent at least one planned mining operation in Montana from going ahead. It is the Marlenee legislation which would leave Montana's water users to the whims of Federal courts. It is the Marlenee amendment that would lose the safeguards of specified junior water rights, and Montana water court preeminence assured by my legislation.

Finally, Mr. Chairman, Montana is indeed the last best place. The wild lands of Montana need protection beyond what the Marlenee legislation will provide. Montanans, in the majority, have a visceral understanding of the importance of our final remaining wild lands, and the majority of them are absolutely, ironclad, copper-riveted committed to protect the last best place, and the Marlenee amendment does not do that.

I urge my colleagues to vote no on it.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Montana [Mr. MARLENEE].

The amendment in the nature of a substitute was rejected.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KOSTMAYER

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KOSTMAYER: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montana Sector of the Northern Rockies Ecosystem Protection Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) Many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high values as wilderness, parks, and wild and scenic rivers, and will, if properly preserved, contribute as an enduring resource of wilderness, wild land areas, and biodiversity for the benefit of the American people.

(2) The bioregion of the Northern Rockies contains the most diverse array of wild lands remaining south of Canada, providing sanctuary for a host of species listed as threatened or endangered under the Endangered Species Act of 1973. These national interest public lands are among the most popular wild lands in the Nation, embracing major ecosystems and national treasures such as the Greater Yellowstone, Greater Glacier/Continental Divide, Hells Canyon, and Greater Salmon ecosystems. The headwaters for nearly two-thirds of North America originate in the Northern Rockies, sending waters to three oceans and providing critical supplies of clean water for wildlife and other users.

(3) The wildlife treasures of the Northern Rockies are of international significance with a remarkably intact large mammalian fauna and rare and unique plant life.

(4) However, wildlife habitat fragmentation due to roadbuilding, timber harvest, mining, oil and gas exploration, lack of interagency cooperation, and other activities has severe effects on the wildlife populations and their habitat, including those listed as threatened or endangered under the Endangered Species Act of 1973, the water quality, ancient forests, and greater ecosystems of the Northern Rockies Bioregion. Continued fragmentation and development of the remaining roadless and essentially roadless ecosystems and biological connectors of the Northern Rockies would cause a loss to the Nation of an entire wild land region, and the only remaining areas south of Canada still pristine enough to support populations of caribou, gray wolves, grizzly bears, anadromous fish, and numerous other rare and endangered plant and animal life all in one intact bioregion.

(5) Since the 1936 roadless area inventory completed by Bob Marshall, millions of acres of roadless wild lands have been developed in the Northern Rockies. Extensive fragmentation of wild lands and wildlife habitat has resulted in the listing of several species as threatened or endangered and reduced the numbers and range of many others, including anadromous fish.

(6) A review of the current situation in the Northern Rockies has revealed the urgent need for an ecological reserve system for the Northern Rockies Bioregion which includes core ecosystem reserve areas and biological connecting corridors necessary to ensure wildlife movements and genetic interchange between the core reserve areas.

(7) The economic value to the Nation of most of these undeveloped areas left in their natural state, greatly exceeds any potential return to the United States Treasury from timber harvest and development. If current Federal land management in the Northern Rockies continues to result in the development of roadless areas, the American public will pay with tax dollars for permanent reductions in wilderness, water quality, fish and wildlife habitat, as well as species and biological diversity.

(8) The congressional review of roadless areas within National Forest System lands in the State of Montana has identified areas which, on the basis of their land form, ecosystem, associated fish and wildlife, economic value, and location will help to fulfill the role of the United States Forest Service to ensure a quality National Wilderness Preservation System. This review has identified other areas which may contain outstanding values as national park and preserves and wild and scenic rivers. This review has also identified areas which may not possess outstanding wilderness attributes and should not now be designated as components of the National Wilderness Preservation System, but which should be studied to determine their role in maintaining biological diversity in the Northern Rockies.

(9) Many areas of National Forest System lands have been damaged and their productivity reduced by unwise development practices which have also impaired ecosystem function and biological diversity. The Island Park area adjacent to Yellowstone National Park contains large clear-cut areas right up to the park boundary. Efforts should be made to return these areas to their former ecological health and native diversity by designating them as National Wildland Restoration and Recovery areas. These efforts seek to ensure that vital ecosystem components are restored, especially in areas where wildlife travel corridors and native fish and wildlife populations have been damaged or eliminated, and restoration efforts will seek to ensure and maintain genetic interchange, biological diversity, and restoration of native species diversity throughout the Northern Rockies Bioregion.

(10) Federal agencies entrusted with managing the Bioregion's natural resources operate under contradictory Congressional mandates, and thus are in dissension over management policies which involve common resources and major ecosystems.

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

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System in order to—

(A) promote, perpetuate, and preserve the wilderness character of the land,

(B) protect watersheds and wildlife habitat, including that of species protected under the Endangered Species Act of 1973,

(C) protect the ecological integrity and contiguity of major wild land ecosystems and their interconnecting corridors identified by the United States Fish and Wildlife Service, and other sources,

(D) protect and maintain biological and native species diversity,

(E) promote and ensure interagency cooperation in the implementation of integrated, holistic ecosystem management and protection of the ecosystems and corridors covered by this Act,

(F) preserve scenic, historic, and cultural resources,

(G) promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, and

(H) avoid the misinvestment of scarce capital in lands of marginal timber value;

(2) designate certain National Forest System lands in the State of Montana as a national park and preserve study area;

(3) designate certain National Forest System lands and watercourses in the State of Montana as Wild and Scenic River study areas;

(4) establish a pilot system of National Wildland Restoration and Recovery Areas and a Wildlands Recovery Corps to help restore biological diversity and native species; and

(5) establish a system of biological connecting corridors between the core ecosystems in the region.

SEC. 3. WILDERNESS.

(a) DESIGNATION AS WILDERNESS.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Montana are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) GREATER YELLOWSTONE ECOSYSTEM.—Certain lands in the Gallatin, Custer, and Beaverhead National Forests which comprise approximately 581,208 acres, as generally depicted on a map entitled "Greater Yellowstone Ecosystem", dated September 10, 1992, including each of the following areas: (A) North Absaroka (159,259 acres), (B) Republic Mountain (700 acres), (C) Chico Peak (10,855 acres), (D) Beartooth (4,720 acres), (E) Lionhead (32,780 acres), (F) Gallatin Range (135,885 acres), (G) Lee Metcalf Additions (143,389 acres), (H) Lost Water Canyon (9,800 acres), (I) Red Lodge-Hellroaring (14,760 acres), (J) Burnt Mountain (9,320 acres), (K) Fishtail Saddleback (16,560 acres), (L) North Absaroka (22,500 acres), and (M) Line Creek Plateau (20,680 acres).

(2) GREATER GLACIER-CONTINENTAL DIVIDE ECOSYSTEM.—Certain lands in the Flathead, Lewis and Clark, Helena, and Lolo National Forests which comprise approximately 956,634 acres, as generally depicted on a map entitled "Greater Glacier-Continental Divide Ecosystem", dated September 10, 1992, including each of the following areas: (A) Swan Crest (89,402 acres), (B) Swan Front (145,133 acres), (C) South Fork (53,779 acres), (D) Middle Fork (41,339 acres), (E) Limestone Caves/Lost Jack (57,640 acres), (F) LeBeau (6,289 acres), (G) Choteau Mountain/Teton (65,433 acres), (H) Deep Creek (49,322 acres), (I) Renshaw (57,591 acres), (J) Sawtooth (15,195 acres), (K) Silver King/Falls Creek (43,192 acres), (L) Monture Creek (121,786 acres), (M) Stonewall Mountain (54,238 acres), (N) Lincoln Gulch (8,286 acres), (O) Anaconda Hill (19,212 acres), (P) Specimen Creek (13,267 acres), (Q) Crater Mountain (9,985 acres), (R) Ogden Mountain (12,418 acres), (S) Nevada Mountain (49,464 acres), and (T) Ten Lakes (43,663 acres).

(3) GREATER CABINET-YAAK ECOSYSTEM.—Certain lands in the Kootenai National Forest which comprise approximately 219,577 acres, as generally depicted on a map entitled "Greater Cabinet-Yaak Ecosystem", dated September 10, 1992, including each of the following areas: (A) Cabinet additions (68,297 acres), (B) Cube Iron-Silcox (38,085 acres), (C) Mt. Henry (21,000 acres), (D) Buckhorn Ridge (21,809 acres), (E) Northwest Peak (20,330 acres), (F) Grizzly Peak (4,890 acres), (G) Willard/Estelle (16,162 acres), (H) Gold Hill West (10,200 acres), (I) Gold Hill East (10,700 acres), and (J) McNeeley (8,104 acres).

(4) GREATER SALMON ECOSYSTEM.—Certain lands in the Bitterroot and Lolo National Forests which comprise approximately 188,819 acres, as generally depicted on a map entitled "Greater Salmon Ecosystem", dated September 10, 1992, including each of the following areas: (A) Bluejoint (63,924 acres), and (B) Selway-Bitterroot additions (124,895 acres).

(5) GREATER SALMON-GREATER YELLOWSTONE CORRIDOR.—Certain lands in the Bitterroot and Beaverhead National Forests which comprise approximately 501,457 acres, as generally depicted on a map entitled "Greater Salmon-Greater Yellowstone Corridor", dated September 10, 1992, including each of the following areas: (A) Allan Mountain (102,715 acres), (B) Anderson Mountain (3,466 acres), (C) West Big Hole (125,606 acres), (D) Garfield Mountain (43,067 acres), (E) Goat Mountain (9,504 acres), (F) Italian Peaks (91,277 acres), (G) Tendoy Mountains (57,490 acres), (H) Tash Peak (59,839 acres), and (I) Saginaw Creek (8,493 acres).

(6) SAPPHIRE MOUNTAINS/ANACONDA-PINTLAR.—Certain lands in the Bitterroot, Deerlodge, and Beaverhead National Forests which comprise approximately 476,612 acres, as generally depicted on a map entitled "Sapphire Mountains/Anaconda-Pintlar", dated September 10, 1992, including each of the following areas: (A) Quigg Peak (75,711 acres), (B) Stony Mountain (102,452 acres), (C) Sapphire Crest (116,530 acres), (D) Silver King (28,884 acres), (E) Emerine Mountain (16,664 acres), (F) Sleeping Child (21,423 acres), and (G) Anaconda-Pintlar additions (114,948 acres).

(7) LITTLE BELT MOUNTAINS.—Certain lands in the Lewis and Clark National Forest which comprise approximately 370,809 acres, as generally depicted on a map entitled "Little Belt Mountains", dated September 10, 1992, including each of the following areas: (A) Tenderfoot/Deep Creek (92,570 acres), (B) Middle Fork Judith (84,904 acres), (C) Pilgrim Creek (44,919 acres), (D) Sawmill Creek (11,477 acres), (E) Big Baldy (43,060 acres), (F) Tollgate-Sheep (24,193 acres), (G) Mount High (33,489 acres), and (H) Bluff Mountain (36,197 acres).

(8) COEUR D'ALENE MOUNTAINS.—Certain lands in the Lolo National Forest which comprise approximately 144,217 acres, as generally depicted on a map entitled "Coeur d'Alene Mountains", dated September 10, 1992, including each of the following areas: (A) Reservation Divide (24,616 acres), (B) North Siegel (8,563 acres), (C) S. Siegel-S. Cutoff (13,599 acres), (D) Patricks Knob (17,282 acres), (E) Cherry Peak (38,568 acres), and (F) Mount Bushnell (41,589 acres).

(b) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this section shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act or any similar reference shall be deemed to be a reference to the date of the enactment of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file a map and legal description of each wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Speaker of the House of Representatives. Each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

SEC. 4. WATER.

(a) RESERVATION.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes for which such area is designated. The priority date of such reserved rights shall be the date of enactment of this act.

(b) IMPLEMENTATION.—The Secretary of Agriculture, and all other officers of the United States shall take all steps necessary to protect the rights reserved by subsection (a), including the filing of claims for quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of Montana in which the United States has been or is hereafter properly joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 5460; 43 U.S.C. 666), commonly referred to as the "McCarran Amendment".

(c) CONSTRUCTION.—(1) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Montana on or before the date of enactment of this Act.

(2) Nothing in this Act shall be construed as establishing a precedent with regard to any future designations, including designations of wilderness, or as constituting an interpretation of any other Act or designations made pursuant thereto.

SEC. 5. FLATHEAD NATIONAL PARK AND PRESERVE STUDY.

(a) IN GENERAL.—The Congress hereby directs the Secretary of the Interior, acting through the Director of National Park Service, to study the feasibility of creating a Flathead National Park and Preserve.

(b) STUDY AREA.—The study area shall consist of that area generally known as the Glacier View Ranger District of the Flathead National Forest, excepting those lands south of the Big Mountain Road. The study area shall comprise approximately 285,078 acres, as delineated on the map entitled "Flathead National Park and Preserve Study" and dated September 10, 1992.

(c) STUDY.—The Secretary shall study the feasibility of creating a unit of the National Park System, including national park and national preserve designations to be administered by the National Park Service. The study shall include specific recommendations as to which areas within the study boundary should be classified as national park, and which should be classified as na-

tional preserve where hunting, fishing, and some motorized use shall be allowed.

(d) TIME PERIOD.—The study shall be completed 3 years after the date of enactment of this Act.

(e) ADMINISTRATION OF AREA.—The national park and preserve study area designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain its presently existing natural character and potential for inclusion in the National Park System. Until Congress determines otherwise, no new road construction or reconstruction, or timber harvest (except firewood gathering) shall be allowed within the study areas. Additionally, no oil and gas leasing, mining, or other development which impairs the natural and roadless qualities of the study area shall be allowed. Special consideration shall be given to preserving scenery, water quality and fisheries habitat, biological diversity, and wildlife habitat for threatened and endangered species.

SEC. 6. WILD AND SCENIC RIVER STUDIES.

(a) STUDIES.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding the following new paragraphs at the end thereof:

"( ) SMITH RIVER, MONTANA.—The segment within the Lewis and Clark National Forest from Tenderfoot Creek downstream to Deep Creek, comprising approximately 11.8 miles. Notwithstanding any other provision of this Act, the Secretary of the Interior, acting through the Director of the National Park Service shall be the lead agency for conducting the study of the river segment described in this paragraph. The study of the river segment described in this paragraph shall be completed not later than 3 years after the enactment of this paragraph.

"( ) YELLOWSTONE RIVER, WYOMING AND MONTANA.—The segment within the Gallatin National Forest and Yellowstone National Park from the southern boundary of Yellowstone National Park to the confluence with Yellowstone Lake, and from the Fishing Bridge downstream to the mouth of Yankee Jim Canyon comprising approximately 102 miles. Notwithstanding any other provision of this Act, the Secretary of the Interior, acting through the Director of the National Park Service shall be the lead agency for conducting the study of the river segment described in this paragraph. The study of the river segment described in this paragraph shall be completed not later than 3 years after the enactment of this paragraph.

"( ) MIDDLE FORK JUDITH RIVER, MONTANA.—The segment within the Lewis and Clark National Forest from Arch Coulee Junction downstream to the national forest boundary, comprising approximately 4.8 miles. Notwithstanding any other provision of this Act, the Secretary of the Interior, acting through the Director of the National Park Service shall be the lead agency for conducting the study of the river segment described in this paragraph. The study of the river segment described in this paragraph shall be completed not later than 3 years after the enactment of this paragraph.

"( ) ROCK CREEK, MONTANA.—The segment within the Lolo and Deerlodge National Forests from the Gilles Bridge downstream to the confluence with the Clark Fork River, in the northwest quarter of section 12, T11N, R16W, comprising approximately 35 miles. Notwithstanding any other provision of this Act, the Secretary of the Interior, acting through the Director of the National Park Service shall be the lead agency for conducting the study of the river segment described in this paragraph. The study of the river segment described in this paragraph shall be completed not later than 3 years after the enactment of this paragraph.".

(b) SPECIAL PROVISIONS.—Except as otherwise provided by this section, and subject to existing private rights, the wild and scenic river study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretaries of Agriculture and Interior so as to maintain their presently existing wild and scenic character and potential for inclusion in the National Wild and Scenic Rivers System at their highest level of eligibility. The streambed and the lands one half mile wide along either side of the streambed of any river or stream included in the study shall be managed to protect their presently existing suitability for inclusion into the National Wild and Scenic Rivers System as wild rivers. No new road construction or reconstruction, bridges, dams, timber harvesting, mining, oil and gas leasing, or other developments shall be allowed within the one half mile corridor along either side of rivers and streams under study.

SEC. 7. ECOSYSTEM PROTECTION STUDY FOR THE NORTHERN ROCKIES.

(a) DEFINITIONS.—As used in this section—

(1) The term "Scientific Committee" means the Northern Rockies Scientific Committee established under subsection (b).

(2) The term "Northern Rockies" means those portions of the States of Montana, Idaho, Wyoming, Oregon, and Washington depicted on the maps accompanying this Act.

(3) The term "wildlife" means all nondomesticated species of plants, animals, and microbes.

(b) SCIENTIFIC COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the National Academy of Sciences shall establish a Northern Rockies Scientific Committee. The Scientific Committee shall consist of 12 members appointed by the National Academy of Sciences after consideration of comments received pursuant to paragraph (4) and full and good faith consultation with the Society for Conservation Biology and professionals in the fields of wildlife, fisheries, population ecology, hydrology, range and forestry.

(2) MEMBER QUALIFICATIONS.—The Scientific Committee shall consist of members with the following qualifications—

(A) one representative from academia who has studied the implementation of recovery plans for grizzly bear;

(B) one academic forest economist;

(C) one landscape ecologist;

(D) one wildlife biologist;

(E) one fisheries biologist;

(F) one plant ecologist;

(G) one big game population ecologist;

(H) one fire ecologist;

(I) one forest ecologist;

(J) one hydrologist;

(K) one conservation biologist; and

(L) one invertebrate biologist.

(3) OTHER REQUIREMENTS.—Not more than 2 members of the Scientific Committee may be employees of any Federal or State agency or from any industry involved in resource extraction.

(4) PUBLICATION AND COMMENT PERIOD.—The National Academy of Sciences shall publish for public comment the proposed appointees to the Scientific Committee in the Federal Register.

(c) STUDY.—The Scientific Committee shall conduct a study of the ecosystem of the Northern Rockies. All lands within the Northern Rockies shall be studied on a regional basis, without regard to political boundaries, utilizing an integrated, multidisciplinary approach. Emphasis shall be placed on National Forest System lands, other lands owned by the Federal Government, and privately owned corporate timber lands. The following subjects shall be examined in detail—

(1) the extent of habitat fragmentation caused by development actions, particularly logging and road building, and the effect such fragmentation has had on the numbers, distribution, densities, movement and viability of threatened, endangered and sensitive wildlife species, including, but not limited to, grizzly bear, gray wolf, and woodland caribou;

(2) the impact of road densities on wildlife distribution, densities and mortality, on stream sedimentation, and on native fisheries;

(3) the extent to which blocks of wild lands can be linked to create a system of connecting land corridors capable of supporting wildlife and plant migrations and natural genetic exchange;

(4) the condition of native fisheries in the region and the impacts that development actions, particularly logging, road building and increasing accessibility, have had on these fisheries;

(5) the opportunities for cooperative management to protect and enhance wildlife populations, and the extent to which such cooperative management is hindered by conflicting mandates, goals, and jurisdiction of the various resource management agencies; and

(6) the extent to which harvested lands have been reforested and the role, if any, such reforestation has had or could have in protecting the ecosystem.

(d) PLAN.—Based on the results of the study required by subsection (c), the Scientific Committee shall prepare a plan to protect the ecosystem of the Northern Rockies. Such plan shall analyze the subjects studied under subsection (c). In addition, such plan shall—

(1) identify critical habitat and possible ecosystem corridor linkages; and

(2) make recommendations for management goals, techniques and other specific actions needed to protect and restore—

(A) biological and ecological diversity;

(B) native wildlife, fisheries and plants;

(C) water quality and instream flows;

(D) the productivity on a long-term sustainable basis of all resources on Federal forest lands; and

(E) biological connectivity between and among physiographic provinces.

(e) TIME FOR STUDY AND PLAN.—Not later than 3 years after the date of enactment of this Act, the ecosystem study required by subsection (c) shall be completed and the plan required by subsection (d) shall be submitted to the Secretary of Agriculture, the Secretary of the Interior, the Committees on Interior and Insular Affairs and Agriculture of the House of Representatives, and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate.

(f) IMPLEMENTATION OF PLAN.—Within 1 year after the date the ecosystem protection plan is submitted under subsection (e), the Secretaries of Agriculture and the Interior shall implement the recommendations of the Scientific Committee contained in such plan.

(g) PROTECTION OF ROADLESS AREAS.—Until such time as the ecosystem protection plan is submitted under subsection (e) and subse-

quently implemented under subsection (f), the Secretaries of Agriculture and the Interior shall prohibit with respect to all roadless areas within their jurisdictions any new road construction or reconstruction, timber harvest (except firewood gathering), salvage logging, mining, oil and gas leasing or exploration, or any other development that would impair the natural and pristine qualities of these areas.

SEC. 8. WILDLAND RECOVERY SYSTEM.

(a) NATIONAL WILDLAND RESTORATION AND RECOVERY SYSTEM.—In recognition of the fact that certain National Forest System lands and surrounding areas have been damaged by unwise resource extraction and development activities and practices, and where the productive potential of the lands and waters of these areas has been reduced by development activities, there is hereby established the National Wildland Restoration and Recovery System (hereinafter in this section referred to as the "Recovery System").

(b) MANAGEMENT.—Recovery System lands shall be managed so as to restore their native vegetative cover and species diversity, stabilize slopes and soils so as to prevent or reduce further erosion, recontour slopes to their original contours, remove barriers to natural fish spawning runs, and generally restore, as much as possible, such lands to their natural condition as existed prior to their entry and development.

(c) COMPONENTS.—The following areas, as depicted on the maps dated September 10, 1992, and entitled "National Wildland Restoration and Recovery Area", shall be components of the National Wildland Recovery and Restoration System:

Recovery areas	Acres	National Forest
Skyland	10,126	Flathead National Forest
Hungry Horse	205,236	Flathead National Forest
Lolo Creek	59,398	Lolo/Clearwater National Forests
Yellowstone West	137,600	Targhee National Forest
Mt. Leidy	69,912	Bridger/Teton National Forest
Cabinet/Yaak	92,800	Kootenai National Forest
Magruder Corrior	11,522	Nez Perce/Bitterroot National Forest

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to establish a special unit of the United States Forest Service known as the National Wildland Recovery Corps which shall hire the necessary personnel and purchase the necessary equipment to carry out its land recovery responsibilities as defined by this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. KOSTMAYER] will be recognized for 30 minutes in support of this amendment, and the gentleman from Montana [Mr. MARLENEE] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I want to commend the Members on both sides, the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Minnesota [Mr. VENTO], the gentleman from Minnesota [Mr. VENTO], the chairman who has guided the subcommittee for a long time, and under whose leadership some great work has been done.

There are some fundamental differences between the two proposals now before the House, that is, the Williams-Vento proposal, and the one I am now offering.

My proposal would provide 3.4 million acres of wilderness. That offered by the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Minnesota [Mr. VENTO] would offer 1.4 million acres of wilderness, 1 million of wilderness study areas, and 150,000 acres of special management.

No. 2, my proposal contains 154 miles of wild and scenic river designations. Parts of the Smith, the Yellowstone, the middle fork of the Judith, and the Rock Creek will be designated as wild and scenic. The Williams-Vento proposal would protect no rivers in the State of Montana at all.

No. 3, my water rights language is the same as theirs.

No. 4, my proposal contains a provision called the Wild Lands Recovery Program, which would reclaim more than 470,000 acres of decimated timber land by creating a National Wildlife Recovery Corps within the National Forest Service.

No. 5, my proposal, unlike theirs, contains a provision to study the Glacier View Ranger District of the Flathead National Forest for possible addition to the National Park System. The provision requires a study of 285,000 acreas, which would last for 3 years.

Both the Williams-Vento bill and the Kostmayer bills contain a study of the northern Rockies ecosystem, in parts of Montana, Wyoming, Idaho, Washington, and Oregon. The difference is that the Vento-Williams proposal does not protect that land during the study period. My proposal would protect these lands during the study period.

There really are three reasons I am offering this proposal today. One is an environmental reason. Another is on behalf of the taxpayers, and the third is on behalf of the people of Montana and protecting their economy.

On the environment, this is a different approach. Normally we designate wilderness areas State by State, and that is, of course, what we are going to do today, although it is not the way we ought to be designating wilderness areas. We ought to be designating wilderness areas by ecosystems, because what we have here is the largest, last remaining ecosystem of more than 13 million acres covering five States in the lower 48.

What we are doing is dealing with a portion of that. We ought to be dealing with all of it, not with a portion of it. For example, we have wildlife corridors which are corridors which allow wildlife to move from one area to another, but those wildlife do not stop at the State border. They do not stop at the Montana State line. They do not recognize State borders. that is why it is a mistake to deal with the preservation of wilderness areas State by State. We ought to deal with the preservation of wilderness areas in an ecosystem. That is what I seek to do.

Second, as I said a little while ago, in fiscal year 1991 the taxpayers of this country subsidized the low-cost timber sales in Montana to the tune of $40 million. What that means is that the Federal Government cuts the roads into the forest for the timber companies to get the timber. the taxpayers of the United States paid to build the roads that the timber companies used to enter the forest to cut down the timber. Then they buy the timber from the U.S. Government.

In 1991, in Montana, when that was all done, there was a net loss of $40 million. So the taxpayers of this country, under this proposal, are subsidizing some of the largest timber corporations in this country. That is the way the system works. So I come here today on behalf of the taxpayers as well to change the system.

Finally, I come today to speak on behalf of the people of Montana. If we were to save all of the remaining roadless areas in the State of Montana; that is, if we were to save all of those areas which are eligible to be wilderness because roads have not yet been cut there, according to a study prepared by the University of Montana and the University of Idaho, the cost in banning logging in those areas would be a total of 600 jobs. That is the economic cost of the Kostmayer proposal to save 4 million acres of wilderness, 600 jobs.

In other areas besides timber, in services, in recreation, in tourism, in the new informational services we will create that many jobs in 5 weeks.

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But we are not prepared to pay the cost of 600 jobs which would be created in other areas in a little more than a month to save 4 million acres of wilderness. Those timber jobs which will be lost are two-tenths of 1 percent of the total job base in the State of Montana.

This economic argument is the only argument that makes sense, and the argument that is made by the other side simply does not make sense. There are a relatively small number of timber jobs left in the State of Montana, and a relatively small percentage of those would be lost. In other words, we are looking at an economic situation, and we are not looking at it I think very realistically.

Now, for example, the National Forest Service in the Gallatin National Forest is about to engage in below-cost timber sales in order to save 75 timber jobs. But what happens when those forests are cut? Those areas of Montana and all of the Western States become less attractive to the service industry, to fishing, to tourism, to information-age jobs, and to recreation. We are

damaging not only the environment, we are damaging the economy of Montana and of the West.

The way in which we manage our national forests, the clear-cutting which we allow, the millions of dollars in subsidized sales to the biggest corporations in this country is a shameful tragedy, and we will come to the time when we recognize that what we have done, the giveaway of millions and millions of dollars to the timber companies, $40 million in the State of Montana last year alone, there will come the time, when we recognize the folly of what we have done.

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

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

Mr. Chairman, I am amazed, absolutely amazed when I hear the statement that there are relatively few timber jobs in the State of Montana. That may be a few compared to Pennsylvania, but unemployment is already high in Montana. I hope the gentleman does not suffer from the same problem as Montana does in that regard in Pennsylvania. I hope he does not suffer that kind of problem.

But let me inform the gentleman from Pennsylvania that there is a $288 million payroll surrounding the timber industry in western Montana, $288 million, 10,000 timber jobs within 100 miles of Kalispell and Missoula, MT. That timber industry and mining industry, which the gentleman would also like to see run out of the hills, provide the tax base, the economic benefits that support the infrastructure of schools, and hospitals, and highways. The gentleman seeks to destroy the mills and run miners out of the hills, and seeks to destroy the kind of services that Montana has come to depend on, the things that are necessary.

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

Mr. MARLENEE. I yield to my colleague, the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding. I wanted to observe that the gentleman from Pennsylvania said there were three reasons for which he was offering this amendment. I wanted to suggest that I really believe there is a fourth reason, and perhaps the real reason he is offering this extreme amendment is to make the Vento-Williams amendment look moderate by comparison.

Mr. MARLENEE. Reclaiming my time, have we ever seen this happen before? Is this deja vu?

Mr. EMERSON. I think I am afraid it is. I think we have reached that point in the year where Congress really should adjourn and stop doing such mischief, and let us revisit this issue, if at all possible, next year when perhaps a little more temperate climate might exist in which we could deliberate.

Mr. MARLENEE. Was this ever done to the gentleman from Missouri?

Mr. EMERSON. I have no complaints about how I have been treated. We actually made out rather well with Missouri wilderness issues. We were able to achieve some compromises. There really should be more compromise in these wilderness bills in the interest of jobs and the economy and the livelihood of our people.

Mr. MARLENEE. Mr. Chairman, I yield back the balance of my time.

Mr. KOSTMAYER. Mr. Chairman, I yield myself 30 seconds to point out to my friend from Montana and Missouri, who has taken a sudden interest in the affairs of the State of Montana, that there will remain after my proposal more than 10 million acres of woodlands that can be cut in the State of Montana. We do not seek to drive the timber industry out of Montana. It is an important industry. It has made an enormous contribution, and there are 10 million acres left on which timber can be cut in the State of Montana after my proposal.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. McNULTY). The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Mr. Chairman, I meant to reserve the balance of my time.

POINT OF ORDER

Mr. KOSTMAYER. Point of order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. KOSTMAYER. Mr. Chairman, the gentleman yielded all of his time back.

The CHAIRMAN pro tempore. The Chair would suggest to the gentleman from Pennsylvania that the gentleman can ask unanimous consent to reclaim his time, which is normally honored by the Members of the House.

Mr. KOSTMAYER. Mr. Chairman, if the gentleman from Montana would like to make such a unanimous-consent request, let me just say, Mr. Chairman, that he yielded back his time.

The CHAIRMAN pro tempore. The gentleman has made such a request. Is there objection to the request of the gentleman from Montana?

Mr. KOSTMAYER. I do not object, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair hears no objection, and the gentleman from Montana [Mr. MARLENEE] may reserve his time.

Mr. MARLENEE. Mr. Chairman, I am very pleased that the chairman and the gentleman from Pennsylvania did not object, because his colleague on that side of the aisle would not have had an opportunity to speak on this legislation. So I am most happy to yield such time as he may consume to my colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman yielding. As I opposed the amendment of my colleague from Montana, I now want to oppose the amendment of my colleague from Pennsylvania and point out to the House that the Kostmayer amendment is opposed by each and every member of the Montana congressional delegation. That is both of us here in the House and both Senators are opposed to the Kostmayer amendment.

The amendment would designate at least twice as much land as wilderness than does my bill. The amendment by the gentleman from Pennsylvania [Mr. KOSTMAYER] fails to recognize longstanding conservation negotiated agreements on sensitive areas that need wilderness protection. The Kostmayer amendment would remove, it appears to me, about 25 percent of the suitable timber base in Montana, and I can assure my colleagues that would devastate some of our timber-dependent communities in Montana.

The Kostmayer amendment closes more than 50 percent of the motorized recreation trails and virtually all of high country motorized access in Montana. The Kostmayer amendment places in wilderness patented mining claims, a mistake my colleague from Montana would have made had his bill passed. It places in wilderness irrigation ditches and impoundments, dams and roads.

The Kostmayer amendment, my colleagues, has not received the endorsement of major conservation groups in America who have endorsed my legislation.

□ 1640

I want to read for my colleagues those conservation groups which have endorsed my legislation before the House today but have withheld their endorsement from the Kostmayer amendment which is now before the Members: the Wildlife Federation, the Sierra Club, the Wilderness Society, Montana's Outfitters and Guides, Montana's Rod and Gun Clubs, the Greater Yellowstone Coalition. Each of those groups supports my legislation but have knowingly withheld their support from the Kostmayer amendment.

I ask all of my colleagues here in the House, whether you consider yourself an extreme environmentalists, moderate conservationist, or, in fact, are more industry-related, I ask all of the Members to oppose the Kostmayer amendment, because all sides have not supported it, and most oppose it as well.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, this amendment obviously is misdirected and misguided.

The Members heard the gentleman from Montana talk about the implications it might have on the State of Montana. I wanted to address another part of the amendment which I consider to be a shot across the bow at the last of this session but will be alive and well during the next session, and the gentleman obviously is determined that he now places his hand and this Congress' hand over five States, not just one, but five States.

Now, there will be a study, and I want to discuss this study with you for just a moment, because it does impact the State of Oregon as one of those States. The problem with the study is not the study. The problem with the study is simply that everything stops until the study has been completed. And I assume it is being done by the National Park Service.

But the study stops everything, especially in roadless areas. Does that impact the State of Oregon? Well, let me tell you how it might. In the eastern part of the State, as I mentioned here before, we have a terrible, terrible infestation of timber. Three billion board feet, we estimate, is standing dead, dying, that should be harvested for forest health purposes as well as for jobs in our State. This amendment stops even salvage operations in roadless areas in my State.

The very forests that the gentleman is trying to preserve are the forests he is allowing to die; the trees that are infected will infect the next green tree and the next green tree until everything is wiped out. That is what this study does.

This idea that there are no jobs left in Montana and in the West in timber if fictitious. It displays the ignorance of the gentleman about what goes on in our State. Seventy-two communities in Oregon are directly dependent upon the timber industry, and I am not just talking about timber jobs, I am talking about hardware stores and the grocery stores and the school systems that will all disintegrate if the gentleman has his way.

Now, how does it affect one school district? This study, how does it affect one school district in my part of the area, in the Hells Canyon area. It eliminates half of the operating budget of the Enterprise school district. Half of the budget is gone for schools. Now, I am sure the gentleman is not interested in closing schools in Oregon, but he will.

Beyond that, we know about his bill that has been introduced that is not a part of this amendment, but has been introduced which provides that now the National Park System will take care of all of 14 million acres of designated land in five States, changing that management from the Forest Service and, in my case, the national recreation area now becomes a proposed national park, and the chairman of the subcommittee and I have heard, and we know, how the National Park Service is being funded or is not being funded, I should say.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oregon. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Does the gentleman mean that there is a piece of legislation that has been introduced by our colleague that we are speaking of that takes wilderness areas and puts them into or under the jurisdiction of the National Park Service?

Mr. SMITH of Oregon. It takes not only some wilderness area but other designations such as national recreation areas, some national conservation areas, all currently being managed by the Forest Service, changes that management to the National Park System.

Mr. MARLENEE. If the gentleman will yield further, is not the management of the National Park Service such that they prohibit hunting in most of the areas under their jurisdiction?

Mr. SMITH of Oregon. In all areas that I know, you cannot hunt in a national park, and, of course, other recreation is limited as the gentleman well knows.

I wanted to point out while we are turning this over to this grand-sounding National Park System, there is a $376 million shortfall in the funding to operate existing parks in America without adding any more. The National Park Service has a backlog of $2 billion in construction programs. The National Park Service has a backlog of $2.5 billion in already designated land acquisitions.

Now we are going to turn over an additional 14 million acres. It makes a lot of sense? It does not make any sense to me.

The facts are that we have diverted the attention of this whole discussion to the point that the last tree is about to be harvested in the Northwest, there is nothing left, we have clearcut the whole region, and that is the purpose of the idea here is to shut everything down so that we save the last tree.

May I report to the Members these statistics put together by the Forest Service: The annual growth in national forests now exceeds harvest. I want to say that again: The annual growth in national forests now exceeds harvest by 55 percent.

Somebody said, "My goodness, we are overcutting." Obviously we are not overcutting.

As 70 percent of America's forest land base is already designated in land-use categories where timber harvest is forbidden. That means there is 30 percent of the land base left that can be managed in multiple use, and, yes, in harvesting of timber.

What makes anybody believe that in the 70 percent of the land base that is timbered across the country that cannot be touched ever again by a chain saw there is not old growth, there are not ancient forests?

So somebody is kidding somebody here, and obviously we are the brunt of it.

The purpose here simply is to shut down the West, simply because it has most of the public land in it, not Indiana, not New York, not the east coast. So we are subject to this intense battle and conflict that we ought to be put out of business because we happen to depend upon renewable natural resources.

Mr. Chairman, I resist that argument, and I suggest we vote down the Kostmayer amendment.

The CHAIRMAN. The Committee will rise informally to receive an announcement.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONIOR) assumed the chair.

The SPEAKER pro tempore. The House will be in order.

Pursuant to House Resolution 591, the Chair announces that a list has been placed at the desk describing the object of each motion to suspend the rules that may be considered not sooner than 2 hours after its notation on the list.

The Chair is advised that each Cloakroom has been provided a copy of the list as it is maintained at the desk.

The suspensions for tomorrow will be available, in other words, at the desk or in the Cloakroom for those who wish to apprise themselves as to what will be considered.

The Committee will resume its sitting.

MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1992

The Committee resumed its sitting.

Mr. KOSTMAYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. JONTZ].

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

Mr. Chairman, I rise in support of the Kostmayer amendment.

What is this debate about? The debate over the Kostmayer amendment is about 4 million acres of roadless area. Were we to be viewing it by air or on the ground it would look like wilderness. It has a wild character; it is essentially roadless.

But it is not legally designated as wilderness, and that is what this debate is all about.

The next question is then: Why are these areas roadless areas? Well, the roadless areas are for several good reasons. They tend to be remote, they

tend to be fragile, they tend to be areas where cutting timber does not make as much sense as other areas.

To really understand what we are talking about, we have to look a little bit at the history of the national forests in Montana and the other States. There are a lot of forest lands in these States that are in private ownership. They are in private ownership because they are more productive forest lands. The timber companies came in and they bought up lands from the Federal Government, and they bought the most productive forest land. You could predict that. They left the higher elevation areas, the areas that are rocky, the areas that are fragile, the areas where the timber is not so good. Those remain in the public domain, and that portion of the public forests which were the most rocky, the most remote, the most difficult to produce timber are those which are left today as roadless areas.

□ 1650

So we have a situation where we are looking at whether it is most appropriate to go into those areas to produce more timber, and it is not surprising, when that issue is raised, that we find that the sales in those areas are below-cost sales and that they are some of the most environmentally damaging sales. Again, the timber is not the most desirable, and growing conditions are very difficult.

And so we are asking to take timber from an area where it is very, very difficult. The irony of our forest policies is, rather than invest in private lands where it makes most sense to grow trees, we are fighting over these remote, fragile areas where, I would say, we are really not talking about growing trees, we are really talking about extracting timber from these areas because effectively the regeneration potential for a lot of these areas is very, very low.

The Interior Committee did a study on this, and it showed that areas that have been logged, an enormous number of them on our national forests are not regenerating the way you would like to believe. Now, on the lands that the private companies own, lower elevation, more rainfall, more productive lands, regeneration is more likely to occur. But on the public lands, particularly those roadless areas, because of their history, this regeneration is not a certain thing. We have in our minds a picture of tree farms where little seedlings grow up to be giant trees. But that is not what we are talking about on these areas. We are talking about extracting timber just like we talk about mining an area. That is why we should stop before we release 4 million acres of land from areas that are wild in character, and say we are going to put them in the timber base and we are going to produce timber on this, because in fact that is not what we are going to do. We are going to extract the timber that is there now and never, never restore those areas to something like they are now.

I do not think we need to take that 4 million acres for timber production. We have other areas where it makes more sense to produce timber. I would suggest that instead what we ought to do before we make this decision is ask the scientists, ask the people who understand these things, "What does it take to sustain these ecological systems over time? What does it take to maintain these forests for future generations? What does it take to maintain the fisheries and the other wildlife that depend on these forests?" I know what the answer is going to be when we ask the scientists. They are going to say we cannot take nearly as much timber out of these areas as we thought we could. We know that, we know that is what the scientists are going to say. We know their answer to that question. They do not want to hear the answer, because they know the answer is that we have extracted too much timber from these fragile areas in the past. In essence, we have run an ecological deficit, we have overdrawn our deficit. We have taken more out of these areas than they can sustain, because we are taking the timber from the wrong areas.

So I would suggest that we support the Kostmayer amendment because it is the amendment which makes the most sense from the standpoint of sustaining these areas for the long term.

We have a choice: We can extract timber and pursue the path we have, and we will find ourselves without resources to sustain jobs, sustain the economy in the future; or we can adjust our human activities to what can be maintained over a long period of time. It is a choice that we have to make.

And I would suggest that, with all due respect for the chairman of our subcommittee and the gentleman from Montana, Mr. WILLIAMS, who I know appreciate sustaining activities over some period of time, that by passing this rule and this bill and by avoiding the question of what do we have to do for the long term to sustain these forests and these ecological systems, that we are not going to achieve the objectives which we all seek.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the chairman of the subcommittee.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman in the well for his thoughtful statement in terms of reviewing the information and the problems that face our national forests, public domain lands. He has been one of the most thoughtful Members of Congress working in both the Agriculture and Interior Committees, as has my colleague, the gentleman from Pennsylvania [Mr. KOSTMAYER], the author of this.

Of course, I rise in opposition to the amendment today, and I would just state that I think, in fairness to the gentleman from Pennsylvania and the gentleman from Indiana, who are advocates of this amendment, they have asked for more time. In other words, the suggestion was that the type of amendment that they have here was not an amendment that could be resolved, this policy resolved, for instance, in this session of Congress. I think Montana, with 12 years of time that has been put in with the existing format, has got some difficulties, but clearly we are trying to resolve the problem on that particular policy path.

I think they raise important questions about the total ecosystem. But I think the great major difference I have with them is not so much the nature of the problem or trying to define it, but simply the solution, to declare wilderness, to use that as a means to stop timber harvest or change the general forest management plan. That I disagree with. I think this is not the type of solution.

Mr. JONTZ. Mr. Chairman, I appreciate the statement by our subcommittee chairman. I myself, as one Member, would be quite happy to put those areas into some sort of reserve status while we are doing the study. And then after we have a blueprint from scientists who could tell us what is necessary to sustain the fishery, what is necessary to sustain the forests, what is necessary to make sure the productivity of this resource is unimpaired not just for our use but for future generations. That is the time to make the decision about whether we are going to release areas or whether we are going to protect them permanently.

I feel like we ought to have that study done, we ought to have that blueprint, we ought to have that information before we make decisions that are irrevocable decisions about the fate of this 4 million acres.

The Forest Service has come before our committee, and we have asked them, "Can you tell us that with the passage of this bill the fisheries are going to be there for the benefit of future generations?" They have not provided that assurance to us. We have asked them can they tell us will the productivity of these forests remain unimpaired for the benefit of future generations? Of course, they cannot tell us that that occurs.

I just ask the Members of the House to change the way we look at these issues from simply allocating so much land here and so much land here and so much land here, toward a process which is based on a scientific blueprint so that we can sustain the ecological systems.

It may not happen with this bill, but it is going to have to happen.

Mr. VENTO. Mr. Chairman, if the gentleman would yield further, I know that he shares and I share concern about these arboreal forests in the foothills and in the Rocky Mountain areas. I just think that the problem is dealing with general forest management practices, that system has to lend itself to deal with these type of questions. We should not put that burden on the wilderness designation here.

The measure that we have before us, which Congressman WILLIAMS and I have written, your committees have supported. It is nearly twice the amount of wilderness designated as the Forest Service recommends. So we certainly are not standing behind the Forest Service in that sense. We are moving out aggressively to have a sound plan. I hope that, working together, we can deal with the forest management practices and correct the inefficiencies and the problem with it.

The gentleman before repeated his concern about the low-cost timber sales. I strongly support the gentleman from Pennsylvania and the gentleman from Indiana with regard to eliminating below-cost timber sales. We do not have that issue before us. Again, the solution dealing with that is not this proceeding.

Mr. JONTZ. Reclaiming my time in order to respond very quickly to the subcommittee chairman, that issue is before us because when we release these forests for general forest purposes, what we are releasing them to is timber sales.

□ 1700

We can predict, based on all the past experience, that these timber sales are going to lose money. They are losing money now. These are more remote areas, these are more fragile areas, these are more areas where it is difficult to regenerate timber. I know the gentleman understands that.

I appreciate our subcommittee chairman being willing to take up these issues at some other time. I think they ought to be taken up now.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

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

Mr. Chairman, I rise with my colleagues from Montana in opposition to the Kostmayer amendment and urge my colleagues to oppose it in the strongest way.

Mr. Chairman, although the gentleman's intentions to provide for a study of the Northern Rockies may be honorable—and I am sure they are—to ban logging and mining on 9 million acres of Idaho's forests for 3 years would be extremely disruptive and unacceptable to Idahoans.

I do believe it is important to assure sustainability of our forests so we can provide certainty and stability for our timber-dependent communities while protecting our natural resources.

S. 1696, as amended by the William's substitute already includes a study which would "assess both environmental and economic conditions" and "identify opportunities to improve sustainability of natural resources and the economy," and it does it without banning mining and logging.

My colleague, the gentleman from Montana [Mr. WILLIAMS], has worked hard and honorably to draft reasonable legislation, with the help of Montanans, to settle the roadless area question in his State. Next spring, I hope to follow his lead and introduce legislation, shaped by Idahoans, to bring resolution to the roadless area question in Idaho.

Mr. Chairman, the Kostmayer amendment would be disruptive and bring turmoil into the lives of many Idahoans, including timber workers and miners. Therefore, I strongly urge my colleagues to oppose the Kostmayer amendment.

Mr. KOSTMAYER. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Chairman, I rise in support of the Kostmayer substitute because it holds three distinct advantages over the bill before us: it is a better deal for the environment, it is a better deal for the American taxpayer, and it is a better deal for the economy of Montana.

Mr. Chairman, this substitute provides this House with the opportunity to inject an important dose of scientific and economic reality into what has been—for too long—a parochial and political debate. The substitute offered by my colleague from Pennsylvania is designed to ensure that we deal with the question of Montana wilderness owned by the citizens of the United States the way biologists and economists would have us do it, rather than the way the timber industry wants it done.

This is not to say that Messrs. WILLIAMS and VENTO do not deserve a great deal of credit for improving the bill sent to us by the Senate. Both deserve our thanks for elevating several crucial roadless areas to a protected status, for greatly improving water rights and release language, and for taking the initial steps toward dealing with the issue of wilderness through an ecosystem wide approach.

My argument is not with the efforts of my two friends from Montana and Minnesota, Mr. Chairman—they have worked diligently. My argument is with the vision, or rather the lack thereof, that the Federal Government has traditionally employed in determining questions of the management of the national forest, which are owned by the people of the United States of America.

We have ignored for too long the unalterable fact that this traditional State-by-State and section-by-section approach to wilderness designation has been costly to the owners of America's wilderness, has been costly to the forests and costly to sound ecology. It has isolated though wildlife habitat and fragmented ecosystems. It has severed natural wildlife migration corridors and threatened the survival of many species.

It should be noted, Mr. Chairman, that of the forests that covered North America less than 300 years ago, no more than 5 percent remain. In contrast, less than 20 percent of the Brazilian rain forests, about which we have heard so much, have been destroyed. The Northern Rockies ecosystem, of which Montana is the core, is the last intact ecosystem in the lower 48 States. It represents the last remaining habitat for grizzly bears, woodland caribou, moose, and many other species.

These species do not recognize State boundaries, and they do not understand the concept of planning areas. Biologists understand that the survival of these species depends on understanding their habitat needs and protecting the little habitat they have left. That is precisely what the Kostmayer substitute before us today seeks to do.

As important as the biological, the ecological, the green reasons for saving this land are, Mr. Chairman, there is at least a strong and economic argument, another green argument, to be made for changing our approach to wilderness protection.

To begin with, allowing timber cutting in the remaining roadless lands of Montana's forests will, as the gentleman from Indiana pointed out, without question, lead to millions of dollars of additional losses for the U.S. taxpayer through below-cost timber sales. Because the tree stands on Montana's remaining roadless areas are high, dry, and cold—in the professional forester's parlance—they are not particularly valuable as commodities. Because they are so remote, the cost of building roads and otherwise preparing the timber for sale is quite high. This mismatch between timber value and cost of management has already, using accounting principles accepted everywhere but the U.S. Forest Service, resulting in every one of Montana's national forests operating at a loss in the last 3 years. In fact, timber activities in the forests the substitute seeks to protect cost the Treasury nearly $50 million last year alone, and this figure does not even reflect the environmental costs of stream degradation and other pollutants.

Amazingly, Mr. Chairman, statistics on below-cost timber sales are not even the most compelling economic argu-

ment for preventing further cutting in the roadless lands.

One of the persistent arguments against preserving wilderness has always been the detrimental effect it has on local economies through loss of jobs in the timber industry. Mr. Chairman, we now know these arguments are false. They are dead wrong. A study dated March 1992, by Thomas Michael Power, chairman of the economics department of the University of Montana, shows that the entire short-term employment impact of protecting all remaining roadless lands in Montana would be 600 jobs. That is to say, that if we adopt this substitute—Montana would lose a total of 600 jobs. This represents roughly 0.2 percent of the 380,000 jobs in the counties of Montana which include Forest Service lands.

Significantly, Mr. Chairman, the jobs being created in Montana depend on a healthy forest. Jobs in fishing, tourism, and recreation lead the way in job growth. The Powers study also demonstrates that more and more of the jobs being created result from people taking advantage of information-age technology to move their base of operations to so-called high-amenity areas like Montana's national forest counties. In total, the Powers study shows that economic growth in Montana is not related to further cutting in Forest Service roadless lands. In fact, it shows that allowing further logging is a recipe for stunting the job growth that is occurring and dooming the long-term economic health of the region.

For all the reasons I have outlined above, I call on my colleagues to support the substitute to save the remaining roadless lands in Montana's national forests. To do otherwise, Mr. Chairman, is a bad deal for the environment, a bad deal for the American taxpayer, and a bad deal for Montanans who care about the future of their State.

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

Mr. Chairman, I have three recent letters that I would like to quote from. Not only is the Vento-Williams bill unacceptable, but even more so, the Kostmayer bill.

One of these letters is from the Pyramid Lumber Co. and states:

> Shortly after our second meeting, we were told that Pat would not consider the Nevada Mountain area for wilderness because it had never been proposed by anyone in the past.

Mr. Noonan also said that snowmobilers were against the Nevada Mountain Wilderness.

The Lincoln District Ranger was also opposed to formal wilderness for an area, as there are at least 250 mining claims involved, and the Forest Service thought also that local elk herd could be managed much better if the area was not formal wilderness.

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□ 1710

However, during the Committee on Interior and Insular Affairs hearing, the gentleman from Minnesota [Mr. VENTO] included a Nevada mountain area in his amendments to the bill. That letter, in its entirety, will be included in the Record.

> September 28, the Montana wilderness bill, as negotiated by Senators Baucus and Burns is not totally acceptable, not totally acceptable, to the mineral extraction industry, is considered an adequate bill to satisfy all constituents. Please use your best efforts to defeat the provisions proposed by Representatives Williams and Vento which restrict and change the Baucus-Burns bill.

From the National Water Users Resource Association, from Fairfax Drive, Arlington, VA—also opposes the Baucus-Williams or the Vento-Williams legislation and supports the compromise by the Senators.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Montana [Mr. MARLENEE] for yielding and his comity in this issue.

The gentleman and I began service in Congress together, and I appreciate his point of view, but do not agree in this case. We agree in terms of opposing the amendment offered by the gentleman from Pennsylvania [Mr. KOSTMAYER], and I assure my colleagues that there has been no idea of collaboration or cooperation with Congressman KOSTMAYER in this other than the fact, as I said, that I understand what they are driving at. I do not think the data base exists to make the types of decisions that our colleague from Pennsylvania [Mr. KOSTMAYER] is asking us to make.

In fact, as the gentleman knows, the process that we have before us is the system that produces the information. I would agree there are defects in the system, the decisionmaking process that we go through. But nevertheless, Mr. Chairman, I think that we certainly cannot trade this for the type of offer that our friend, the gentleman from Pennsylvania [Mr. KOSTMAYER], is making for us, and, as I indicated before, I just wanted to make it clear that I oppose this.

Mr. Chairman, I think the substitute that the gentleman from Montana [Mr. WILLIAMS] and I put together that has survived through the committee process in the House today is a good proposal. It is a balanced one. We surely will have the opportunity to invite different issues with regard to other matters with regard to forests, general management practices such as below-cost timber sales and other issues, but they are not addressed in this particular issue, and they will, I think, continue.

Mr. Chairman, I would suggest to all the Members of the House that we better think seriously about some of the proposals that we are talking about in terms of an ecosystem approach. We find that in the Pacific Northwest, and I think we are going to find again in other areas, we are going to have to come up with answers and responses to that because the general pattern and policy of forest practices has not done the job with regard to many of the laws that we have articulated, and I do not know that we are prepared to change many of the laws. I think we are going to have to custom make or change some of the forest practices that we have.

So I rise in opposition today to the amendment offered by the gentleman from Pennsylvania [Mr. KOSTMAYER], and I thank my colleague and friend, the gentleman from Montana [Mr. MARLENEE] for having yielded me some time.

Mr. Chairman, while I commend my friend and colleague, Mr. KOSTMAYER, for his sincere effort to bring environmental protection to the State of Montana, I must oppose his substitute. It has several serious problems.

The Kostmayer substitute designates wilderness areas that may not be of sufficient quality to become components of the national wilderness preservation system. We have not had the opportunity to review these areas to ensure that we are not creating inferior wilderness areas. It appears that this amendment attempts to use the wilderness designation process to solve problems on how general national forest lands are being managed. I agree that there are problems with timber sales and other activities in the national forests, but the wilderness system was not designed and must not be the vehicle for solving these problems. We can correct forest management problems without diluting the quality of the wilderness system. The purpose of wilderness is not to stop all timber sales, but to protect wild lands that have special unique qualities, not a designation to be used as a heat shield against bad forest management practices.

The Kostmayer amendment designates numerous wild and scenic rivers that have had no legislative review whatsoever. The Interior Committee has moved forward numerous wild and scenic river bills and has a process for reviewing all candidates for this designation. The rivers in this amendment have not been through this process and have not been given the necessary scrutiny. We've held no hearings on these wild and scenic river proposals.

The ecosystem study provided for in this Kostmayer amendment has interim protection provisions that stops all development on. roadless lands whether or not they are designated wilderness. This is unfair to the workers and communities that are looking to this bill to give them some certainty as to what lands can be used for non-

wilderness activities. The result of this provision is that no lands would be released to nonwilderness uses as a result of the passage of this bill. The crisis we seek to solve would continue unabated.

Mr. Chairman, the Kostmayer amendment has some worthy intentions, no question about that point. However, it is far too extreme and if we adopt it, it would surely kill the process we are engaged in to resolve the Montana wilderness issue and, thus, prevent millions of acres of roadless lands from receiving the protection they need.

I urge my colleagues to defeat it.

Mr. KOSTMAYER. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. KOSTMAYER] for yielding this time to me and will not on his time again refer negatively to his legislation. I do want to commend the gentleman from Pennsylvania and others who have spoken in his support and the support of his amendment because they do understand the necessity of such important environmental matters as protecting wildlife corridors and trying to not designate wilderness in such a way that we only have wilderness islands left which are unconnected one to the other.

The gentleman from Pennsylvania [Mr. KOSTMAYER] and others, and I include myself among them, recognize that the Congress of the United States must begin to pass wilderness legislation that gives recognition to the direction in which our rivers and streams flow, that gives recognition to the natural movement of our great wildlife. Heretofore, it seems to me, the Congress has primarily given too much recognition to political boundaries and not enough consideration to environmental realities on the ground.

I have in the legislation that is the basic bill before us placed an economic and ecosystem study that achieves much of what I think the gentleman from Pennsylvania would like to see achieved in the northern Rockies, and that is a full review of how it is we can continue to extract natural resources and yet appropriately protect the environment of the northern Rockies. My economic and ecosystem study is intended to do that. It is one of the most critically important parts of the legislation.

Finally, Mr. Chairman, I would like to say, in support of my own legislation, that Montana enjoys a State which has the greatest hunting season, the greatest fishing in the world, in the world, right here in the United States, in the last best place called Montana. The final vote that we will have today will be on legislation which preserves and protects wildlife habitat and fish-spawning grounds in a manner that ensures that Montanans and Americans will continue to enjoy the very best quality hunting and fishing opportunities on earth right in this country in the place called Montana.

Mr. MARLENEE. Mr. Chairman, as we bring this debate to a close on a number of different proposals for the State of Montana, all of the proposals have been largely influenced by those who do not live within the boundaries of the State. Let me address one of the things that my colleague from Montana has proposed as part of his piece of legislation, the Vento-Williams bill, an economic and ecosystem study.

My question to that study is: What will it cost? How long will it take? How much redtape will be involved with it? And, under a friendly administration, the study's conclusions could be biased toward preservation, such as the "Greater Yellowstone Visions" document was biased toward preservation.

□ 1720

Will this study in fact add to the below-cost timber sales that my colleague from Pennsylvania spoke to? Is that what we want to do? Will that cost be relegated and chalked up on the cost of timber sales?

We are putting more work into management of the public lands. We are dealing with issues in the economic and ecosystem study that the Forest Service already addresses.

So it appears to me that this study that is contained in the Williams-Vento bill is duplication and costly and could well contribute to more below-cost timber sales.

Mr. Chairman, I would urge my colleagues to at this time vote against both Kostmayer and against the Williams-Vento proposal. It is unfortunate that we have arrived at this point, but I do not see that as the vehicle to resolve the problem, go to conference and come back to the floor of the House and finalize the question of wilderness, recreation, and professional management in the State of Montana.

Mr. Chairman, I urge Members to vote no on Kostmayer and "no" on Williams-Vento.

Mr. Chairman, I include the following correspondence for the RECORD.

NATIONAL WATER RESOURCES ASSOCIATION,
Arlington, VA, October 2, 1992.

Hon. RON MARLENEE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MARLENEE: The National Water Resources Association would like to emphatically voice our strong objections to the version of the Montana Wilderness bill which was adopted by the House Interior Committee on September 16, 1992.

First of all, it is important to note that the NWRA is not categorically opposed to additional wilderness areas in the West. However, in this case, we are extremely concerned about the unquantified federal reserved water right that the Williams-Vento substitute creates. Not only does this seriously hamper the ability of all Montanans to continue to determine what has been their historic right—the use of water within their own state boundaries—but it sets an extremely dangerous precedent for other states, especially in the West. Granting federal reserved water rights for wilderness areas, where prior appropriation systems are utilized to administer water rights, will seriously impair the development and management of precious water resources by the state.

The use of water in Montana is best left to the people who live and work every day in the State of Montana and know how this important resource is most efficiently used. The language in the Williams-Vento substitute is yet another example of the federal government overstepping its bounds and intervening in state matters where it clearly does not belong.

Moreover, the Williams-Vento language was never thoroughly discussed in any House Interior Committee hearing, nor has this particular bill language had the benefit of discussion on the record in the House for those directly and indirectly affected. In a matter of this magnitude of importance for the state of Montana, and for the precedent that it sets for other Western states and their water rights, it is vitally important that a full airing of these issues occur. Water rights have historically been left to the states for a good reason—the scarcity of this resource is best handled at the state level by those who have a thorough knowledge of its impacts.

Sincerely,

THOMAS F. DONNELLY,
Executive Vice President.

BALCRON OIL,
Billings, MT, September 28, 1992.

Hon. RON MARLENEE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MARLENEE: The Montana Wilderness Bill as negotiated by Senators Baucus and Burns, even though not totally acceptable to the mineral extraction industries, is considered an adequate bill to satisfy all constituents.

Please use your best efforts to defeat the provisions proposed by Representatives Williams and Vento which restrict and change the Baucus-Burns bill.

Among these conditions that are now considered onerous and should be defeated are:

1. The additions of more acreage to the wilderness designation.

2. The removal of the "sunset" provision that enables lands to be managed as wilderness until Congress acts on same.

3. The judicial review of the Forest Services' decisions regarding "non-wilderness" areas released from wilderness study.

4. Language creating unquantified federally reserved water rights for wilderness areas.

Again, please devote your efforts to defeating these onerous changes to the Senate Wilderness Bill.

Thank you for your assistance.

Very truly yours,

W.R. CRONOBLE,
Vice President.

PYRAMID MOUNTAIN LUMBER INC.
Seeley Lake, MT, 59868, September 15, 1992.

Hon. RON MARLENE,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MARLENE: Early in 1987, several members in the timber industry, that would be affected by a Nevada Mountain Wilderness, met with members of the Helena Forest Conservation Coalition in

Lincoln, Montana, to discuss the area. Two meetings were held and boundaries were discussed. The industry felt that it would be willing to consider a Nevada Mountain Wilderness if the wilderness bill itself would contain stronger release language to assure the rest of the roadless areas on the Lincoln Ranger District would really be released for multiple use under the Helena Forest Plan.

Shortly after our second meeting, Congressman William's aid, Mr. Art Noonan, told us that Pat would not consider the Nevada Mountain Area for wilderness because it had never been proposed by anyone in the past. Mr. Noonan also said the snowmobilers were against a Nevada Mountain Wilderness. The Lincoln District Ranger was also opposed to formal wilderness for the area as there are at least 250 mining claims involved and the Forest Service thought the local elk herd could be managed much better if the area was not formal wilderness. Because of what Mr. Noonan had said, negotiations with the coalition ceased.

However, during the Interior Committee hearings on H.B. 2090, Congressman Vento included a Nevada Mountain area in his amendments to the bill. This was quite a surprise to the industry as we nor the general public were notified or allowed any input into a decision to create a wilderness at Nevada Mountain.

It is interesting to note that Congressman Williams did not include Nevada Mountain in his own original wilderness bill, yet he pushed for inclusion of it in John Melcher's wilderness bill. We feel the area is well protected under the Helena Forest Plan and should not be included in the Baucus-Burns bill by house amendments.

Sincerely,

GERALD V. PARKER,
Timber Manager.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Chairman, the Williams-Vento proposal is a good proposal, but it is not enough. It is too little land and protects no rivers at all in Montana. It opens up some of the most remote areas of the State for timbering, that area which is high, dry, and cold. It is inaccessible and more expensive. It will cost us a great deal of money.

In 1991 we lost over $40 million in below cost timber sales. If this proposal is adopted, we will lose more timber and more money in the future.

Mr. Chairman, finally we have an historic opportunity and an historic obligation to preserve some of the most beautiful country in North America. Let us seize that opportunity and vote for the Kostmayer amendment this evening.

The CHAIRMAN. All time having expired, the question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. KOSTMAYER].

The amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. DONNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 1696) to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, pursuant to House Resolution 590, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by eletronic device, and there were—yeas 282, nays 123, not voting 27, as follows:

[Roll No. 455]

YEAS—282

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
AuCoin
Bacchus
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Green
Gunderson
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wolpe
Wyden
Yates
Yatron
Young (FL)
Zimmer

NAYS—123

Allard
Allen
Archer
Armey
Atkins
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bentley
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Campbell (CO)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Evans
Ewing
Fields
Franks (CT)
Gallegly
Gekas
Gingrich
Goodling
Grandy
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Hopkins
Hunter
Hyde
Inhofe
Johnson (CT)
Johnson (TX)
Jontz
Kasich
Kennedy
Kolbe
Kostmayer
Kyl
Lagomarsino
Lent
Lewis (CA)
Lightfoot
Lowery (CA)
Marlenee
Martin
McCandless
McDade
McEwen
McGrath
Michel
Miller (OH)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Paxon
Payne (VA)
Penny
Pursell
Ray
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Roth
Santorum
Schaefer
Schiff
Schulze
Shuster
Sikorski
Skeen
Slaughter
Smith (OR)
Smith (TX)
Solomon
Stallings
Stearns
Studds
Stump
Sundquist
Synar

Taylor (NC)	Vucanovich	Wolf
Thomas (CA)	Walker	Wylie
Thomas (WY)	Waxman	Young (AK)
Vander Jagt	Weber	Zeliff

NOT VOTING—27

Anthony	Guarini	Lipinski
Barnard	Hall (OH)	Livingston
Blackwell	Hayes (LA)	McCrery
Boxer	Henry	Quillen
Chandler	Holloway	Sensenbrenner
Conyers	Huckaby	Solarz
Crane	Ireland	Staggers
Dwyer	Jefferson	Thomas (GA)
Foglietta	Lehman (FL)	Wise

□ 1745

The Clerk announced the following pair on this vote:

Mr. Conyers for, with Mr. Quillen against.

Messrs. ATKINS, CAMPBELL of Colorado, and OWENS of Utah changed their vote from "yea" to "nay."

Messrs. ANDREWS of Maine, HALL of Texas, and MCMILLAN of North Carolina changed their vote from "nay" to "yea."

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. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 1696, the legislation just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

RETURN OF ENROLLED BILL, H.R. 3379, AMENDING UNITED STATES CODE RELATING TO AUTHORITIES OF THE ADMINISTRATIVE CONFERENCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

Pursuant to House Concurrent Resolution 366, I am hereby returning the enrolled bill H.R. 3379, "An Act to amend section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference," to the House of Representatives for the purpose of making necessary corrections.

GEORGE BUSH.

THE WHITE HOUSE, *October 2, 1992.*

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2532, FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKET SUPPORT ACT, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 102-976) on the resolution (H. Res. 592) waiving points of order against the conference report to accompany the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," and against the consideration of such conference report, which was referred to the House Calendar and order to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2681, NATIVE HAWAIIAN HEALTH CARE AMENDMENTS OF 1992

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 102-977) providing for consideration of the Senate bill (S. 2681) relating to native Hawaiian health care, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR COMPLETION OF ACTIVITIES OF TASK FORCE TO INVESTIGATE CERTAIN ALLEGATIONS CONCERNING HOLDING OF AMERICANS AS HOSTAGES IN IRAN IN 1980

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 585 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

Resolved, That the provisions of clause 5 of rule XI requiring the adoption of one primary expense resolution for the payment from the contingent fund of the House of the expenses of the Task Force to Investigate Certain Allegations Concerning the Holding of Americans as Hostages in Iran in 1980 in the second session of the One Hundred Second Congress are hereby waived, to the end that the provisions of House Resolution 258 of the One Hundred Second Congress shall be deemed to satisfy the requirements of that clause and that, notwithstanding the adjournment of the second session of the One Hundred Second Congress sine die, the task force shall be authorized to file a final report with the Clerk of the House at any time after the adjournment of the second session of the One Hundred Second Congress sine die and before noon on January 3, 1993. The expenses of the task force may not exceed the amounts listed in the first section of House Resolution 512, as recommended to be amended by the Committee on House Administration in House Report 102-930.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 585 provides for the completion of the activities of the Task Force To Investigate Certain Allegations Concerning the Holding of Americans as Hostages by Iran in 1980—more familiarly/popularly known as the October Surprise Task Force.

The resolution deems that House Resolution 258 of the 102d Congress, which created the panel, serves as an expense resolution for purposes of clause 5 of rule XI until the task force files its final report.

The rule waives clause 5 of rule XI and authorizes the October Surprise Task Force to file a final report with the Clerk of the House after adjournment sine die and before January 3, 1993.

Finally, the rule adds a proviso limiting expenses to the amount approved in the first section of House Resolution 512 as amended by the House Administration Committee. This language is designed to ensure that the budget of the task force will be no higher than $1.35 million, a figure requested by the task force chairman and ranking minority member and agreed to by the Committee on House Administration.

The purpose of this resolution is to make clear that the important investigation being conducted by this task force of Foreign Affairs Committee members, and so well chaired by our distinguished colleague from Indiana [Mr. HAMILTON], with the able assistance of the ranking minority member from Illinois [Mr. HYDE], may continue after we adjourn, but no later than the end of this year, laying to rest any confusion regarding the termination date of the panel.

The resolution ensures that the task force will be able to file a final report after we adjourn—but before January 3, 1993. Chairman HAMILTON testified that the work of the task force is nearing completion. And, he and the gentleman from Illinois [Mr. HYDE] agreed that, having come this far, the task force should have the time and resources to complete the inquiry in an appropriate manner so that no lingering suspicions about the serious allegations, which led to the creation of the task force, will remain.

In fact, in testimony from the chairman and the ranking minority member of the task force, it appears to the Rules Committee that the work of the task force has been conducted with remarkable cooperation, and that the panel has operated responsibly and professionally.

Mr. Speaker, I urge my colleagues to approve this resolution, thereby per-

mitting the task force to resolve the issues that form its mandate.

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

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after the 1980 election, most political observers believed that the American people overwhelmingly pitched the failed Carter regime out of office because of its disastrous economic policy, the double-digit inflation, the interest rates at over 20 percent, the double-digit unemployment, losing jobs at 50,000 a week, the long lines at gas stations and the despair.

Others figured that it was the foreign policy disgraces of the Carter administration, the failed rescue of the hostages in Iran, the march of communism in Nicaragua, the support of the Sandinistas in Nicaragua and Carter's support in Angola as well as a Soviet invasion of Afghanistan. America was not in the same position of strength as it is today. All Mr. Carter could do then was send them a postcard saying, "For marching on Afghanistan we will not attend the Olympics." Many felt that that was the reason the American people turned to the strength and vision of Ronald Reagan.

A few die-hard Carter supporters who could never accept that the American people did not like inflation, skyrocketing interest rates, gasoline lines and international weakness, desired to find a conspiracy behind the demise of the Carter Presidency. In the self-fulfilling fantasies of an assortment of misfits and oddballs and conspiracy theorists those people built their own new conspiracy.

A year ago almost to the day, the Rules Committee considered a resolution creating a special House task force to investigate once and for all the rumors regarding a 1980 conspiracy. The special task force would investigate those infamous October Surprise charges.

Mr. Speaker, I had a chance to look back at those committee transcripts, and last year I predicted that the main purpose of the task force was political. It would bring up old rumors and accusations, highlight baseless charges, and right in the middle of the 1992 Presidential campaign would seek to file its report. I said that we would create the investigation, and then it would disappear and we would not bear a thing until the very last minute, probably not until days before the election.

Well, we created the task force, Mr. Speaker. Noting much has been said about the baseless conspiracy charges since, except that most newspapers and responsible organizations have discarded them for the fantasy that they are.

But let us look at the calendar. Here we are on the House floor right on time. It is October. Surprise. That is the only election October Surprise around here.

The gentleman from California [Mr. BEILENSON] has explained the House resolution. At a time when the public standing of this institution is at such a low, the House should never have started this investigation and never asked the American taxpayer to pay for this blatantly partisan political bill.

I would like to commend, however, the honorable chairman of the Rules Committee, Mr. MOAKLEY, and the distinguished gentleman from New York [Mr. SOLOMON] for coming to a compromise that takes into account the concerns of the American taxpayer. House Resolution 585 does set a limit of $1.35 million on the expenditures of the task force.

But let us not deceive anyone about the true cost of this witch hunt. It has cost the taxpayers much more than that. Other agencies have already spent well over $700,000 to meet the needs of the task force, and the figure is going up.

Mr. Speaker, when this resolution came up I made a point of order that the resolution was not correct because it did not include a primary expense resolution. There is no question at all but what that was a violation of the House rules.

However, the Parliamentarian ruled at that time that it was only temporary and, therefore, could operate under the agreement of another House committee. Republican BILL THOMAS asked Parliamentarian Bill Brown in a letter dated February 10 whether or not that was the case, and the Parliamentarian responded saying that "the expectation of a future primary expense resolution relating to the task force is logically consistent with the ruling of February 5." In other words, they are going to act expeditiously.

Here we are a year later. We have the resolution on the floor again, and they have still not done as the Parliamentarian promised would be done immediately when I objected to the violation of the rules a year ago.

□ 1800

Mr. Speaker, I wish the task force haste in drawing to a close this embarrassment in our congressional history. Although the American taxpayer should not be forced to pay for it, I hope they can report once and for all and put this issue behind us.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the minority leader.

Mr. MICHEL. Mr. Speaker and my colleagues, I rise in opposition to this procedural gimmick that will fund the October Surprise task force for the duration of this Congress.

Now, as outraged as I am about the process, I want to focus my comments on the issue of funding an investigation of incredible allegations that Reagan and Bush campaign aides were involved in any attempt to delay the release of Americans held hostage in Iran. Let there be no mistake. We are not just talking about $1,350,000 here. The FBI estimates they have spent $415,000 to assist the task force. The Treasury Department estimates they have spent over 9,000 manhours assisting the task force at a cost of over $257,000. The Defense Department has spent $1.5 million to respond to requests of the task force. The CIA has spent $132,000, and Justice has spent $23,000. The State Department has spent $100,000 just flying task force staff around the world. That brings us to $2.4 million, and I believe these estimates are low since I asked the agencies to estimate only costs they could document.

The taxpayers will spend almost $4 million chasing wild rumors. What a waste. No wonder the majority has to hide behind procedural gimmicks to provide funding for this task force.

You will recall that the Republican substitute that I offered called for limited funding and a date certain for the task force to report. The chairman of the task force, the gentleman from Indiana [Mr. HAMILTON], as I recall, responded that, "If nothing is there, I will be the first to ask that it be shut down."

The task force has already admitted publicly what most of us knew from the beginning: President Bush had absolutely no part in this so-called conspiracy.

One of the main proponents of this conspiracy theory, Mr. Gary Sick, a former national security staffer for Jimmy Carter, wrote that "At least five sources who say they were in Paris in connection with these meetings insist that George Bush was present for at least one meeting." The task force now tells us, in effect, that Mr. Sick's sources must be lying or suffering from mass hallucination, because Mr. Bush's whereabouts for the period in question are documented, and he was not in Paris.

I see the distinguished gentleman from my home State, the gentleman from Illinois [Mr. HYDE], who served as our ranking member on the task force. Might I ask the gentleman a few questions here relating to the main allegations in this conspiracy theory?

I ask the gentleman from Illinois [Mr. HYDE]: Does not Gary Sick tell us the Carter administration was negotiating a $150 million arms-for-hostages deal with Iran? Is that not what was purported?

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

Mr. MICHEL. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, that is absolutely correct. In Mr. Sick's book called "All Fall Down," he indicates that a $150 million group of arms, weapons, was ready to be shipped to Iran in exchange for the hostages.

These were weapons that the Shah had paid for earlier but were never delivered because of the difficulties with Iran. There was an embargo. Yes.

Mr. MICHEL. When were these negotiations taking place?

Mr. HYDE. If the gentleman will yield further, October 1980.

Mr. MICHEL. In the gentleman's opinion, has he seen any credible evidence to suggest the 1980 Reagan-Bush campaign engaged in a conspiracy to detain American hostages held in Iran?

Mr. HYDE. Does the gentleman mean after 7 months and about $800,000 that this body has expended out of the contingency fund, have I seen any evidence that the 1980 Reagan-Bush campaign engaged in a conspiracy to detain American hostages held in Iran? What that the gentleman's question?

Mr. MICHEL. That is the question.

Mr. HYDE. The answer is no.

Mr. MICHEL. I thank the gentleman. In the gentleman's opinion, he has seen any credible evidence to suggest that the meeting took place in Paris in October 1980?

Mr. HYDE. You mean, in Madrid in July 1980?

Mr. MICHEL. That would be the one.

Mr. HYDE. No. The answer to that is no.

Mr. MICHEL. As I understand it, Gary Sick says in his book "October Surprise" that one fundamental question looms above all others: Did William Casey, without the knowledge of the United States Government, travel to Paris during the period October 15 to 20, 1980, to meet with Iranian and Israeli representatives to arrange the release of the United States hostages to the Reagan-Bush forces? Again, I am quoting from his book, "the answer, it appears, is yes; everything else is of secondary importance." I guess I would have to ask the distinguished gentleman here: Has he seen any credible evidence that Mr. Casey was in Paris in October of 1980?

Mr. HYDE. After 7 months and about $800,000 spent in investigating everyone from aardvark to zebra, the answer is no.

Mr. MICHEL. Mr. Speaker, it is obvious from what we have just heard that the task force in their thorough investigation has achieved one thing; by now they must have found out that many sources out there were lying, that statements that some journalist took as truth were actually fiction, and that this conspiracy theory is really a house of cards.

No meetings took place. George Bush had absolutely no involvement at the time, and the time has come to write the end, frankly, to this story. The time, it seems to me, has come to end this folly and to report to the American people that there was no conspiracy.

I would urge the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman, and my friend, the gentleman from Illinois [Mr. HYDE], to orally report their findings as soon as possible and, of course, preferably before the election.

Obviously I am very much opposed to this resolution providing for the continuation of funding for the task force.

DEPARTMENT OF THE TREASURY,
Washington, DC, September 28, 1992.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR MR. LEADER: Thank you for your September 22 letter requesting information on what costs the Treasury Department and related agencies have incurred for the October Surprise inquiry.

As you requested, we have prepared an estimated accounting of the cost to the Treasury Department of complying with the House of Representatives and Senate inquiries into the allegations surrounding "October Surprise." The Treasury Department has, to date, spent $257,333 on the investigation, calculated from receipt of the first House letter in September 1991 to August 21, 1992. Because the search for documents is still in progress, the full cost of the investigation to Treasury cannot yet be determined.

We asked all offices and bureaus within Treasury to provide us with the number of hours they spent responding to House and Senate inquiries, including the cost of copying documents. We did not include copying costs under $25. Copying costs were calculated at 10 cents a page.

To compute the cost to Treasury for the hours worked, we added 18% of the annual salary for a given grade and step to the annual salary and divided that amount by 2087, the official number of hours each employee works annually. We then multiplied this hourly wage by the number of hours worked by each grade and step.

Where we did not know the step, a step three was used to calculate the salary. Where we knew positions were clerical, we used the clerical salary scale. Where we did not know otherwise, we assumed that grades 5, 6, and 7, were clerical.

We have provided the number of hours worked and the cost of those hours, along with additional costs, on the attached chart.

I hope that this information is responsive to your inquiry. Please let me know if our office can be of further assistance.

Sincerely,

MARY C. SOPHOS,
Assistant Secretary (Legislative Affairs).

COSTS OF OCTOBER SURPRISE

Office	Manhours	Cost	Copying and other costs
Deputy General Counsel	30	$1,611.00	
General Counsel (Enforcement)	596.50	21,069.93	
General Counsel (International Affairs)	9	304.74	
Enforcement	3	130.84	
OASIA	147.75	4,361.72	
OFAC	208	6,266.34	
Customs Service	2,193.50	69,001.43	$850
IRS	4,153.75	88,548.27	750
U.S. Secret Service	1,020	31,260.47	240
ATF	992	32,938.17	
Total	9,353.50	255,493.01	1,840

Total costs, $257,333.01.

THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, September 30, 1992.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR LEADER: In response to your September 22 letter, the Department of Defense incurred approximately $1,529,000.00 in expenses to respond to requests of the October Surprise Task Force. This figure includes all costs associated with time and material expended during the period October, 1991 through September, 1992.

I hope this will be of assistance to you.

Sincerely,

DAVE GRIBBIN.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, September 30, 1992.

Hon. BOB MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MICHEL: This is in response to your letter of September 22, 1992, in which you asked for costs associated with the FBI's October Surprise Task Force.

The Task Force was started on or about May 4, 1992. Normally, the FBI does not keep figures for individual investigations. However, on May 30, 1992, the tracking of certain costs was initiated. To date, those costs have been:

Salaries	$318,907
Benefits	70,452
Overtime	11,333
Travel	[1]15,760
Total	416,452

[1] Approximately $10,000 is reimbursable as a result of Congressional Staff travel.

Extrapolating from the existing data for pre-May 30th costs, and considering a reasonable amount for space, equipment, and supplies, it is estimated that to date the FBI has incurred total costs of around $500,000 for the October Surprise Task Force Investigation.

I hope this is of some assistance.

Sincerely yours,

JOHN E. COLLINGWOOD,
Inspector in Charge, Office of Public and Congressional Services.

U.S. DEPARTMENT OF JUSTICE—HOURS/FUNDS SPENT ON OCTOBER SURPRISE*

Labor category	Hours	Dollars
Professional	20	$540.18
Attorney	334	14,583.63
Paralegal	317	4,943.47
Clerical	48	559.68
Other	20	283.80
Subtotal	739	20,910.76
Cost of copying		1,000.00
Travel		1,000.00
Total		22,910.76

* Main Justice (Washington) expenses only. This table does not include costs incurred in United States Attorney Offices.

NATIONAL SECURITY COUNCIL,
Washington, DC, September 28, 1992.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MICHEL: I am responding to your September 22, request regarding what costs the National Security Council has borne in cooperation with the October Surprise congressional investigation to date.

Total professional time expended on the congressional inquiry, including, but not

limited to, identifying, producing, or making available documents and records, time spent by lawyers reviewing materials for release, and other staff time is approximately 154.2 hours. We conservatively estimate that these staff hours equate to approximately $5,760.11 of salary costs. Total nonprofessional staff time expended on the inquiry is approximately 16 hours, approximating $253.92 of salary costs. We are unable to estimate the dollar amount of other costs for supplies, long distance calls, and the like.

The NSC staff has outstanding requests from the October Surprise Task Force, which we are currently processing; therefore, we are still expending staff time and resources on the October Surprise Task Force inquiry.

If you need additional information, do not hesitate to contact Virginia Lampley at (202) 395-3055.

Sincerely,

WILLIAM F. SITTMANN,
Executive Secretary.

September 30, 1992.

Memorandum for: Tracy Sandlin.

From: Rudolph Rousseau, Deputy Director, House Affairs, Office of Congressional Affairs.

Subject: Cost estimate.

1. As requested in Mr. Michel's letter, we have estimated the cost of our response to the various inquiries of the October Surprise Task Force. We estimate that CIA's response has cost $132,000 to date.

2. As I told you in our telephone conversation, this is a very soft estimate because some of our components did not keep records of time spent on the inquiry. We have had to make rough estimates of the cost of those components' response.

RUDOLPH ROUSSEAU.

Mr. BEILENSON. Mr. Speaker, may I inquire of my friend, the gentleman from Ohio, if the gentleman is going to yield additional time?

Mr. MCEWEN. I would say, Mr. Speaker, that I have significant requests for time, and I have been in this situation before where there were no requests for time on the other side and we used our time only to discover that a significant amount of requests appeared at the very tail end.

Mr. BEILENSON. If I may say to my friend, this gentleman, insofar as he is aware, and other members of the committee on the majority side have never misled the gentleman as to further requests for time. Until this moment we did not have any further requests for time or any requests for time. I was just offering the gentleman an opportunity to proceed. We do have one gentleman here now who either will speak at this time or shortly thereafter.

Mr. MCEWEN. It is my understanding, Mr. Speaker, that there will be only one request for time, and that there will be only one request for time on the majority side, and I will be pleased to yield to the distinguished ranking member on the Committee on Rules.

Mr. BEILENSON. At the moment that is the case, as the gentleman knows, as my friend knows.

We will be happy to proceed on our side if the gentleman would proceed first. I was simply advising the gentleman that as of now we only have one Member requesting time.

Mr. MCEWEN. I am simply advising the gentleman that I am wary of these conditions, not that the gentleman from California [Mr. BEILENSON] has engaged in this before, but, therefore, I am reluctant to use all of my time under those conditions.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I rise in opposition to this resolution, and I hope it will be defeated. It certainly does not come as an October Surprise to anyone listening to this debate right now that my primary reason for opposing this resolution is simply my belief that this entire exercise has been totally unwarranted from the very beginning.

The so-called October Surprise Task Force never should have been set up in the first place. And we certainly should not be extending its lifespan for another 3 months by virtue of adopting this resolution today. The task force ought to be shut down today, now, before any more time, effort, and money are wasted chasing after butterflies.

Mr. Speaker, two wrongs do not make a right. And in this instance, this resolution does not make right what was done wrong in the first place. Two wrongs are still two wrongs.

House Resolution 258, which established the so-called October Surprise Task Force, was cleared by the Rules Committee in October 1991—1 year ago. It was subsequently passed by the House in February 1992—8 months ago.

When this whole enterprise was being set up, Republicans strenuously objected to going forward without any budget having been established for the task force. Indeed, the task force was set up in clear violation of rule XI, clause 5, which requires the adoption of a primary expense resolution before any such task force can draw money from the contingent fund of the House.

Now, today, the House is being asked to rewrite history and say that House Resolution 258 really was a primary expense resolution after all—even though it was never presented as such when the House considered it 8 months ago.

And, just to make sure that all the bases are covered and everyone is totally confused, the resolution before us today goes ahead and waives clause 5 of rule XI anyway. Mr. Speaker, this must be the legislative equivalent of the hidden ball trick. But it is also one more example of how the majority sets aside the standing rules of the House whenever the rules get in the way of a politically motivated juggernaut.

Mr. Speaker, if there is anything good in this resolution before us today, it is one thing: A cap of $1,350,000,000 on what the task force will be authorized to spend. That figure is a lot higher than many of us would have wished, but at least it is a budget of sorts—something we should have had a long time ago. I commend the Rules Committee for including this provision in the resolution.

Returning to my principal point, however, I must say that this task force never should have been established in the first place. And it should not be perpetuated by this resolution. But the majority has been determined to do the wrong thing the wrong way since day one, as far as this particular issue is concerned.

And that is with this task force that has already wasted a million dollars of the taxpayers money, without any results at all, should be terminated now, and defeating this bill will do just that.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

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

Well, Mr. Speaker, it is October, and it is not a happy new fiscal year.

The biggest surprise though is the ongoing charade fostered by the liberals in this Congress. I just cannot believe the liberals want to spend another $2.5 million for a fishing expedition, a fishing expedition for something nobody cares about.

The American people care about keeping their jobs, helping their families, paying their bills, and living within a budget, something the liberals failed to understand.

□ 1810

Let us take a look at the facts of this case. The liberals' case centers around allegations of Carter Foreign Policy Director Gary Sick. His chief witnesses are a jailed South African arms dealer and Abbey Hoffman. After 7 months, $800,000, maybe the liberals should subpoena Elvis; he could probably give them the answers they need.

Let us get serious, let us stop the political games and get down to the chores that have to be done.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we on this side understand that our friends and colleagues on the other side are not in support of this resolution. We understand their feelings about it; we have from the very beginning, about a year or so ago.

I would like to tell our colleagues, if I may, I think it is fair to characterize it this way: The discussion between Mr. HAMILTON, Mr. HYDE, and the members of the Committee on Rules a day or so ago was perhaps, if one may put it this way, a little more reasonable and helpful than some of the discussion we have had here on the floor.

What I want to do, however, if I may, Mr. Speaker, just for a moment is to remind Members who may not have heard the introduction from our side here that what we have before us now is a resolution which provides for basically three things only.

First, it provides for the completion of the activities of this so-called October Surprise task force.

Second is, that it is designed to insure that the budget of the task force would be no higher than the $1.35 million, a figure requested by the task force chairman and by the ranking mi-

nority member, and agreed to by the Committee on House Administration.

And finally, it makes clear that the committee may continue its procedures and its investigations after we adjourn but no later than the end of the year. The intention, as expressed to the Committee on Rules a couple of days ago both by Mr. HYDE and by the distinguished chairman, the gentleman from Indiana [Mr. HAMILTON] was that the work of the committee would be finished by probably the middle of November, simply giving them until the end of the year to file a report.

So that is all we are doing, we are trying to bring to a conclusion and to put a limit on the amount of money this particular task force can use. Members should understand that that is what is at stake here today.

Mr. MCEWEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, there is an old wildcatter expression that I have heard from some of my friends out in California. It says, "If you drill a dry hole deep enough, you are bound to strike a lot of nothing big." And clearly, that is exactly what we have found in this resolution.

It seems to me that with the action that has been taken by the October Surprise task force, we are going to continue to find a lot of nothing big.

I hope very much that we will defeat this resolution.

Mr. Speaker, there's an old wildcatter expression that says, "if you drill a dry hole deep enough, you're bound to strike a lot more nothing—big!"

Mr. Speaker, that expression applies in spades to the October surprise task force. They started drilling a dry hole last February, and the deeper they drilled the more nothing they found.

And now, some 800,000 in wasted taxpayers' dollars later, they've come to the Rules Committee to ask us to sink another $550,000 into their dry hole so they can keep drilling right up to next January 3.

And instead of bringing to this floor the proper primary expense resolution which has been reported from the Committee on House Administration, we have before us this peculiar rule that goes through all kinds of contorted English in order to avoid letting on that we are taking big bucks here.

Mr. Speaker, my colleagues will recall that last February, when the resolution establishing this task force came to the floor, the gentleman from Ohio [Mr. MCEWEN] raised a point of order against it on grounds that the report did not mention how much it would cost as is required on primary expense resolutions.

On that occasion, the Chair ruled that the resolution was not a primary expense resolution but rather an interim funding mechanism allowed under another rule. And the Parliamentarian later confirmed in a letter to the ranking Republican on the House Administration Committee that the task force would still need a primary expense resolution under House rules.

Now, lo and behold, we have a special rule out of the Rules Committee that says the February resolution shall be deemed to be the primary expense resolution, while at the same time waiving the requirement that there be a primary expense resolution.

I suppose one could conclude that the circular logic contained in this special rule is symbolic of the circular tail chasing after conspiracy mongers the task force has been forced to engage in. After a while, I'm sure, it's difficult to tell who's telling the more credible lies.

At least the minority was successful in the Rules Committee on this resolution in amending it to include an indirect reference to a spending ceiling contained in the House Administration Committee's reported resolution. That was after the majority rejected our proposal to include the actual dollar amount.

Had we not prevailed with that provision, this resolution would have been an open-ended, blank check for the task force to run up bills without limit. But even with that spending ceiling, this is still a half a million dollars too high!

So I would caution my colleagues on both sides not to be fooled into thinking that just because you see no dollar signs in this resolution, it is somehow a freebie procedural vote that will have no political consequences.

Quite to the contrary, if you vote for this resolution, you are authorizing the task force to run up bills of $1.35 million using the credit card of John Q. and Mary Citizen.

And I'm sure they will be delighted to learn that you've invested their hard-earned dollars in this bottomless, dry hole.

Is this really the kind of investment in America's future candidate Clinton is calling for? Is it any wonder we are running up bigger and bigger deficits when we throw good money after wild conspiracy theories—all for potential partisan gain? Is it any wonder the American people think less of us for our profligate ways?

Mr. Speaker, I hate to say I told you so, but we warned against this wild goose chase last February after two prominent national magazines found the same dry holes after extensive investigations into the so-called October Surprise allegations.

The time has come to put an end to this wasteful and costly drilling expedition. Vote down this resolution and shut down this investigation before we bring more shame and embarrassment on this House.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. I thank the gentleman for yielding time to me.

Mr. Speaker, the expenditure called for by this resolution has to be one of the most frivolous and wasteful proposals in Congress this year. Considering some of the other expenditures that have been approved by this body, that is saying something.

This whole October Surprise investigation debacle began as a result of unsubstantiated charges made by former Carter administration officials and others, that George Bush somehow in the midst of a Presidential campaign in October 1980, snuck away to Europe to cut some kind of deal regarding hostages. The allegation was ridiculous to begin with, and was found to be completely unfounded by every responsible group that looked at it. In fact, about the only finding that the current October Surprise task force has issued is that this bologna charge, which started it all, about President Bush being in Paris was completely unfounded.

Nonetheless, this task force has met and expended through September 30 of this year more than $769,000 to investigate this. We are now asked to increase this expenditure to $1,350,000 to conclude the investigation and present a report of the task force findings.

Actually, this amount of money is only the tip of the iceberg. This does not account for the millions that are being spent by various executive agencies as a result of this investigation and to help in it. The Defense Department alone has spent over $1,500,000. The Department of State has spent over $100,000 to pay for commercial travel for the staff of this committee to glamorous cities on the Mediterranean, and in Europe, and other places. Who knows what exotic spots they may find to travel to if Congress authorizes the continual operation of this task force. In fact, the minimum additional expenditure by other agencies already is between $2.5 and $3 million. Those expenditures will also increase if this resolution passes.

I hear many Members express concern about the disrespect in which Congress is held by a large proportion of the people of this country. I have heard a number of Members, particularly on the majority side, be critical of those who supposedly bash Congress. Well, why not? When it does things like it is doing today.

Congress is not held in disrespect because of what Members say. Congress is held in disrespect because of Congress' own actions. Passing this resolution today will only further enhance the view that people already have of this body as one that is wasteful and engages in frivolous activities.

I would like to make a prediction. I would predict that after this resolution is approved and all this additional money is spent and after the task force reports, which will conveniently be after the election, it will have been found to have produced no substantial evidence to justify this wasteful expenditure. I would urge my colleagues to vote against the resolution.

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. I thank the gentleman for yielding.

First, Mr. Speaker, let me just begin by paying a compliment to the chairman of our committee, the gentleman from Indiana [Mr. HAMILTON], who has conducted this inquiry with a great deal of fairness.

I would also bring to the attention of the House, because not everything is noted around here, Chairman HAMILTON held a press conference about a month ago in which he, in effect, indicated publicly in the middle of a presidential campaign that there is no credible embarrassing evidence tying the current Republican President of the United States, George Bush, to any wrongdoing. For that I personally think Chairman HAMILTON deserves not only a great deal of credit on judgment but on integrity, for acting in a nonpartisan fashion.

Now, as far as this particular inquiry is concerned, we are really at the seventh inning of an inquiry. We are constrained in what can be said because much of what has been reported is of a confidential variety. But let me just say as a member of this committee that, in looking at the evidence, the conspiratorialists in America have not only not scored a run but they have not made a hit.

As hard as it is to believe in a world where press cynicism is rampant, no credible corroborating evidence has been presented that would lead one to think of embarrassment to high-level officials of the United States of America.

I believe this House is obligated to bring this investigation to an end because irresponsible charges should not be dignified. Yet, I must say from the perspective of the minority, that the staff of the committee has been fair and responsible. I also would say that one of the interesting lessons of this endeavor could be a case study of public journalism at its most vulnerable.

Honest, decent people appear to have been manipulated or duped by discreditable, sometimes recanters, and, despite any lack of passion at the thought, I would suggest to this body that sometimes American public officials are decent, honorable, and honest, and sometimes those people that might make charges from other parts of the world may lack the same kind of integrity.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. HAMILTON], the chairman of the task force.

Mr. HAMILTON. I thank the distinguished gentleman from California for yielding time to me.

Mr. Speaker, I rise in support of House Resolution 585, a resolution that would provide for the completion of the investigation of the October Surprise Task Force.

The October Surprise Task Force was created in February, 1992, following the adoption of House Resolution 258. Since then, the task force has been hard at work.

To date, the task force has interviewed and deposed over 125 people. It has reviewed close to 30,000 documents and pursued investigative leads in several foreign countries.

The task force is in the final stages of its investigation. Approximately 50 witnesses still remain to be interviewed or deposed. Several important lines of inquiry still need to be pursued and about 5,000 documents need to be reviewed and analyzed. Additionally, some organizations and executive branch agencies still need to complete document production.

Among the 50 remaining witnesses, approximately 2 dozen critical witnesses have not yet been deposed. Several of these witness interviews were purposely put off until the final stages of the investigation to allow task force staff to complete interviews of related, but less important, witnesses and to analyze relevant documentary evidence. Other important witnesses have only just been located and are scheduled for interview later this month.

Access to documents and information to which no one has had previous access continues. For instance, nearly 75 percent of the almost 2,500 hours of Hashemi FISA electronic surveillance tapes have been fully reviewed. Also, thousands of classified intelligence and defense community documents have been read and analyzed.

Finally, the task force is still awaiting permission from the Governments of Israel and Iran to review documents and interview witnesses. Hopefully, we will receive such permission shortly. This will allow the task force to consider important evidence, much of which has never been addressed until now.

During the 7 months that the task force has been operating, I think we have addressed many of the concerns initially expressed by the minority. This has not been a political witch hunt. In fact, our interim report, released on July 1, reached only one conclusion—that then-candidate George Bush did not travel to Paris in October 1980, to participate in alleged secret meetings.

We have conducted this inquiry in a bipartisan fashion. The minority: has fully participated in every interview and deposition; has been free to pursue completely any leads they believe relevant; has requested and obtained documentary and other evidence; and there has been no disclosure of the names of people we have contacted during our investigation. There have been no leaks about any aspect of this investigation.

I know we are all concerned with keeping costs to a minimum and the task force has certainly done that. Indeed, the Congressional Budget Office estimated that the task force's operating budget would cost between $1.8 and $2.5 million. The actual cost of this investigation falls far below CBO's minimum cost estimate. We have worked hard to ensure that this investigation is conducted without any waste. I might add that citing estimated costs to executive branch agencies responding to task force requests is somewhat misleading. Generally, we have worked with personnel in either Congressional Affairs or FOIA offices who would be responding to requests of this nature in any case. Additionally, much of the cost was incurred by requests from the executive branch itself prior to the task force being created.

I would like to offer a final observation. The task force has been in operation since February 1992 and is in the final stages of its work. Unless the task force is allowed to complete its work, no final conclusions will be able to be reached. Such a situation is clearly in no one's interest, particularly those whose reputations have been tarnished. I would not want anyone, whether opponents or proponents of this issue, to say when we are finished that we were not thorough or complete in pursuing viable leads.

While I appreciate the perspective on the partisan nature of the debate leading to the creation of the task force, at this juncture it seems in all of our interests to see this project to its orderly conclusion on January 3, 1993, so as to put these issues to rest once and for all. I should note that while our colleague HENRY HYDE might agree with you about the partisan inception of this investigation, he has stated that it has been and continues to be conducted in a fair, professional, and unusually bipartisan atmosphere. By voting for this resolution, it allows the task force to complete its final interviews, review the remaining evidence, and complete the final report by January 3, 1993.

In sum, this investigation is proceeding in a bipartisan, cooperative manner. If the House will let us pursue this investigation to its appropriate conclusion, we are likely to be able to put this matter to rest once and for all.

I urge support for House Resolution 585.

□ 1820

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], a member of the task force.

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

Mr. Speaker, as a member of the committee, this gentleman is obviously constrained by what I can say, but I certainly want to echo and underscore the statements by the chairman of our Task Force and our ranking member, that fair play has been the word. I think the leadership of the Task Force has been excellent. I do not think there is any doubt there has been fair play in the conduct of the investigation.

However, the words "witch hunt" I believe does associate with some efforts by others that are going on. I think that has caused some concern,

and I agree, we need to get to the basis of this.

There will always be another reported sighting of Elvis. There is no doubt about it. There will always be fantasy land inside the Beltway. There is no doubt about that. There will always be an endless supply of nonsense that we could chase down if we wanted to around here. In fact, there is already a cottage industry in this town, as most people know, that does chase rumormongering, dissembling and even lying in trying to prove things.

The issue tonight is cost. It is a question of cost, a question of the wise use of money, of the taxpayers' dollars. Is this the best use of millions of dollars right now when dollars are precious in our country, when we are in a deficit mode. We have agencies taking money out of their other duties and diverting them to do this exercise. We are paying consultants money to do this exercise, and of course, we had these GAO costs before this thing officially started.

So what we are dealing with is are we spending the taxpayers' money wisely? Are we going to get a good return on it?

I believe the answer that is we have spent enough.

Some have suggested that we do not spell so well on this side of the aisle. Let me tell you, I am not so sure that some on the other side of the aisle add so well. We do have an additional problem. We are spending in this country more than we can afford right now. We all know that.

My view tonight is that there is not enough money, there is not enough magic, that even a Merlin could turn this dross into gold on Halloween night, and let us be sure that Halloween night is not the target.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

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

I have been making notes of those points that have been made. I wanted to come up toward the last so I could cover some things that perhaps have been overlooked.

One of the significant things is something that I believe is unprecedented that was used in the investigation, and that is a House Committee using its influence to influence a Federal judge to allow someone to have leniency to come out and testify in this case. I am speaking of the chief counsel of the House Foreign Affairs Committee, Mr. R. Spencer Oliver.

I will read from the Wall Street Journal:

> Mr. Oliver has now used his influence to spring a convicted South African arms dealer from prison, presumably because this criminal can help the Democrats' October Surprise probe. The wonderfully-named Dirk Francois Stoffberg, a former South African Intelligence Agent turned arms dealer, was convicted last year of selling 1,000 handguns to a U.S. Customs Agent posing as an arms broker.

□ 1830

During his trial it was revealed that Mr. Stoffberg had threatened a Federal agent with death. Along comes Spencer Oliver, who last month wrote to U.S. District Judge Jack Weinstein informing him that Mr. Stoffberg was assisting the Foreign Affairs Committee in its investigation of the October Surprise. Mr. Oliver lobbied the judge to reduce Mr. Stoffberg's sentence.

Mr. Speaker, it also has not been brought out that there have already been more, but no less than, five independent investigations of the so-called October Surprise, one by Newsweek magazine, one by New Republic magazine. None has come up with any evidence that there is any wrongdoing, and I can only conclude that this is nothing more or less than a coverup to cover up some of those things which really are corrupt and are going on today such as the post office scandal.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Ohio [Mr. MCEWEN] for yielding this time to me, and I just reminded myself that this is a day that the gentleman from Illinois [Mr. HYDE] spoke of a number of months ago when he said,

> It looks like this thing is all going to come to a head around the first week of October,

in what Mr. HYDE referred to as "a lucky booking."

I say to my colleagues, The problem is you can't take the political spin off this issue, and it's a political spin at a time when we should be doing the people's work. The people's work is housing. The people's work is jobs. The people's work is the credit crunch.

We are not doing that. We are investigating this idea that somehow swamis, rug merchants and political consultants got together and held up a hostage release.

Mr. Speaker, it is no wonder America looks at this body and says, "A lot of these folks should be moved out of here. They don't care about what the real agenda of America is. They're playing political games."

Let us move on. Let us go back to the people's work.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Is it quiet enough for you, Mr. Speaker? It is for me. Just checking.

Mr. Speaker, if we are going back 12 years for political purposes to investigate a so-called surprise, then let us go back 10 more, the New Year's Eve, 1969, and January 1970, and investigate, spend some of this money, why the now Governor of Arkansas traveled to Moscow in the dead of night, 26 degrees below zero, to meet with the enemy in an enemy capital that was making every plane, and every bullet and every rifle that killed our men in Vietnam. Moscow, the Evil Empire, was running that war. I ask my colleagues, why don't we investigate that? Why don't we find out why the Governor of Arkansas' senior policy adviser, David Ipsham, went to Moscow the next year and went on to Hanoi?

I have got a photograph of Phan Van Dong I will be showing later tonight, and then he went on the radio, Mr. Ipsham, and told every American fighting man to throw down his weapons, to leave their planes, get off their ships, face court martial and desert that cause in the part of the cold war where we were fighting for freedom for the southern half of Vietnam.

Then go back 10 more years, to 1960, and study the Chicago surprise and the Texas surprise in November 1960 when the election was stolen from Vice President Richard Nixon.

I ask my colleagues, Why don't we fence some of this money, and keep this political game going and be fair about it?

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

Mr. DORNAN of California. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I have always been curious what President Wilson might really have known about the sinking of the *Lusitania*.

Mr. DORNAN of California. Nineteen hundred and sixteen, and he promised he would not take us into war. One hundred twenty-eight men were lost off the southern coast of Ireland on the *Lusitania* in May 1915, and he said he would not take us to war, and he did not. That is worth investigating.

What about Colonel House? Was Colonel House running Woodrow?

Mr. Speaker, I am glad the gentleman from Missouri brought that up.

Mr. MCEWEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I want to preface my remarks by saying there is no one in any parliamentary body in the world I would rather serve with in any capacity than the gentleman from Indiana [Mr. HAMILTON]. He is doing a very professional and very objective job as chairman of this difficult task force, and I have absolutely no criticism, but only praise, of the manner in which this is being conducted.

I only entreat my friend to look at the matter from our perspective. Some of the most serious, heinous, egregious charges have been floating around this country from sources hardly friendly to the Republican administration and about people who are dead and cannot defend themselves, and we Republicans have been sitting here listening to these charges made in the press, in

books, on talk shows, against Bill Casey who is dead, against many other people, against the now President, then Vice President, George Bush, then candidate George Bush.

We do not characterize our task force as engaging in a witch hunt, but I do not know how I would characterize what the GAO did for months before that unbeknownst to the majority looking into this.

When we talk about the expenses in this search for the Emerald City of Oz, for the smoking gun that we have not found, and we add up the cost, it is going to go far beyond what we are talking about here and months and months of interviewing people to no end.

Now the gentleman said that the minority leader, and possibly myself, came awfully close to violating the rules. I want the gentleman to know I looked at the rules, I have discussed it with counsel at great length, and I think characterizing the totality of the evidence thus far as amounting to zero in terms of substantiating these charges is not a breach of the rules, and I did it with much soul searching and much review of counsel.

Additionally, Mr. Speaker, on this September 23, I said the same thing in the Committee on House Administration in a colloquy with the gentleman from Connecticut [Mr. GEJDENSON] while seated right next to the gentleman from Indiana.

So, I do not think we violated any rules.

But I can only say this: There are lots of places to spend the millions of dollars that are going to be spent on this thus far fruitless search. There is no credible evidence that we have found. But when this story is told, and I do look forward, I really look forward, to the final report, we are going to hear a story that is incredible. We are going to hear about lying, about deception, about manipulation of the media and by the media, and it will make fascinating proportions, and I only hope that the movie that Mr. Sick intends to make out of his fantasy will include some of the ideas with suggestions in the scenario that we will provide.

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

Mr. HYDE. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, I just want to thank the gentleman from Illinois [Mr. HYDE] for the very gracious comments he made about me and return them.

We both have recognized that this has been an extremely difficult and volatile matter to get into. I have enjoyed my relationship with him. He has conducted himself in a highly professional manner. Our personal relationship has been excellent, and so has the relationships between our staffs, and I am grateful to him for that.

I also recognize that it came for him during a very difficult time personally, and so it was all the more difficult, and he has my accommodation and my praise.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Indiana [Mr. HAMILTON], and I promise not to use that in the campaign, but I certainly appreciate everything he has said.

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

Mr. Speaker, let me begin by saying to my colleagues from the Committee on Rules that my reticence at us having so many requests and their not having so many may have left an impression that I was skeptical. I apologize for that. The gentleman from California, as I have said publicly and privately many times, is the most fair individual with whom I have had the privilege of serving both on the Permanent Select Committee on Intelligence and the Committee on Rules, and the mere fact that I have time here is his generosity in yielding me 5 minutes.

Mr. Speaker, on February 5, I rose when this resolution was before us and made a point of order against consideration on the grounds that the report did not include a total amount of funds to be funded as required under House rule XI, clause 5(a). At that time the Chair overruled my point of order on the grounds that the resolution was not a primary expense resolution, but just interim funding.

The following day in a letter from the gentleman from California [Mr. THOMAS] to the Parliamentarian, Bill Brown, the Parliamentarian responded by saying that it would be deemed for the moment that the expectation of a future primary expense resolution relating to the task force is logically consistent with the ruling of yesterday.

□ 1840

In other words, the fact is it was only temporary and immediately the majority would come to the floor with a request for a funding resolution.

Mr. Speaker, here we are in October, 72 hours before adjourning. We have before us a rule that does not do that. In other words, my point of order made in February was absolutely correct and it was a partisan ruling to insinuate otherwise. We have proof of the pudding as to here we are. This is an exercise not in legislation, not in legislative activity. This is a partisan political act that has been an embarrassment from day one. We now say that they can go until even after sine die, that they can make the report. Hopefully by the end of this 102d Congress this additional chapter to the embarrassment to our country will be drawn to a close and we can begin the 103d Congress on a new sheet.

Mr. Speaker, I regret that we have come here, and I urge my colleagues to vote no on the resolution.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in concluding I do want to say again that we at the Committee on Rules believe that the task force should have the time and the resources to complete the inquiry in an appropriate manner so that no lingering suspicions about the serious allegations which have led to the creation of the task force in the first instance will remain.

To reiterate also that which I said a little bit earlier, the resolution simply provides for the completion of the activities of the task force no later than the end of this year, but after we do adjourn, which hopefully will be in the next 3 or 4 days, and to ensure that the budget of the task force will not be any higher than $1.35 million, apparently an amount that both the majority and the minority Members have agreed upon.

Mr. LIVINGSTON. Mr. Speaker, surprise, surprise. It is October 1, and the Democrats are surprising the taxpayers with the bill for the Democrats' political witch hunt: $1.3 million for the House. Cha-ching; $1.5 million for the Defense Department. Cha-ching; and $415,000 for the FBI. Cha-ching.

And don't forget the Treasury Department, the CIA, the State Department, the U.S. Senate, the GAO, and more for a grand total approaching $5 million, Cha-ching Ba Da Bing.

All to slander the President by spreading the outrageous allegations of proven liars and con men.

This rule is before us because the Democrats are trying to waive the House rules.

Rule XI requires that payments out of the contingent fund of the House must be accompanied by a primary expense resolution, or a budget. After numerous efforts by the minority, the Parliamentarian belatedly ruled that we were right, the task force was in violation of rule XI and needed a budget.

So, today we come not to consider a budget, but to waive rule XI. Surprise, rule XI is gone. Now we don't need a budget. Maybe the Democrats should just waive the Parliamentarian.

The flagrant manipulation of House rules indicates the lengths that some conspiracy-minded Democrats will go to besmirch the President. This investigation is a waste of time and should be stopped.

Mr. ROSE. Mr. Speaker, I rise in support of House Resolution 585 which provides that the expenses of the October Surprise Task Force may not exceed the amounts listed in House Resolution 512, as recommended to be amended by the Committee on House Administration in House Report 102–930.

The amendment of the Committee on House Administration is the product of the Subcommittee on Accounts which conducted a hearing on and markup of House Resolution 512 on September 23. At that session, the chairman of the task force, the Honorable LEE HAMILTON presented and justified a very detailed budget proposal covering the second session. Additionally, the ranking minority member of the task force, the Honorable

HENRY HYDE testified. He indicated that, while he believed in a quick conclusion to the investigative phase of the inquiry, he was satisfied with the amount of resources allocated to the minority side.

After a period of questioning, the subcommittee adopted an amendment approving Chairman HAMILTON's request for $1,350,000 and limiting the amount available for the procurement of consultant services to $950,000. This total authorized amount and concomitant consultant limitation constitute the principal elements of the first section of House Resolution 512, as amended, which is referenced in House Resolution 585, now pending before the House. The subcommittee's amendment, also, included a provision prohibiting the use of funds with respect to any report of the task force to be submitted during the period beginning on the date on which the resolution is agreed to and ending on November 3, 1992.

At a meeting held on September 23, the full committee adopted the amendment from the Subcommittee on Accounts after concurring in a minority amendment to strike the provisions regarding the prohibition on the use of funds with respect to the task force report. It should be noted that the stricken provision was originally inserted as a measure of good faith by the majority to prevent the report from becoming an issue in the Presidential election.

Regarding the merits of the amendment, the amount of $1,350,000 is not unreasonable for this type of investigation. Other major house investigations have involved substantial sums, such as the Iran-Contra matter, high profile ethics investigations, and judicial impeachment proceedings. In fact, it is clear that Chairman HAMILTON has made every prudent effort to limit and minimize the cost of this investigation. For example, where necessary, he has used individuals, already, employed by the FBI, the U.S. Customs Service, and the Bureau of Alcohol, Tobacco, and Firearms and the task force has worked, primarily, with borrowed and used equipment.

Of most importance, I would argue that it would not be prudent to cut off funding for the task force at this time when it is nearing the conclusion of its work. Providing funds through the end of the session will enable the task force to complete its work and issue a final report in a professional and timely manner.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

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

RECORDED VOTE

Mr. MCEWEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 181, not voting 30, as follows:

[Roll No. 456]

AYES—221

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Hall (TX)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jenkins
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wolpe
Wyden
Yates
Yatron

NOES—181

Allard
Allen
Applegate
Archer
Armey
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Herger
Hobson
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Schulze
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Baker
Barnard
Boxer
Chandler
Crane
Davis
Dorgan (ND)
Dwyer
Foglietta
Guarini
Hall (OH)
Hayes (LA)
Henry
Holloway
Horton
Huckaby
Ireland
Jefferson
Johnson (SD)
Lipinski
Livingston
Machtley
McCrery
Olin
Quillen
Sensenbrenner
Staggers
Thomas (GA)
Wilson
Wise

□ 1902

Messrs. APPLEGATE, CAMPBELL of Colorado, and CLEMENT changed their vote from "aye" to "no."

Ms. SLAUGHTER changed her vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 585, the resolution just agreed to.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. SENSENBRENNER. Mr. Speaker, due to a death in my family, I was not present.

Had I been present, I would have voted "yea" on rollcall vote number 451, "nay" on rollcall vote number 452, "yea" on rollcall vote number 453, "nay" on rollcall vote number 454, "nay" on rollcall vote number 455, and "nay" on rollcall vote number 456.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 529 AND H.R. 4551

Mr. CAMPBELL of California. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution 529 and H.R. 4551.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4996, JOBS THROUGH EXPORTS ACT OF 1992

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4996) to extend the authorities of the Overseas Private Investment Corporation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut? The Chair hears none and without objection, appoints the following conferees: from the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, FEIGHAN, JOHNSTON of Florida, BROOMFIELD, and ROTH.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974 REAUTHORIZATIONS

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

SENATE AMENDMENT: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 1992."

TITLE I-UNITED STATES FIRE ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

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

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

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

"(D) $25,550,000 for the fiscal year ending September 30, 1992;

"(E) $26,521,000 for the fiscal year ending September 30, 1993; and

"(F) $27,529,000 for the fiscal year ending September 30, 1994.".

SEC. 102. PRIORITY ACTIVITIES OF THE UNITED STATES FIRE ADMINISTRATION

(a) PRIORITY ACTIVITIES.—In expending funds appropriated pursuant to the amendments made by section 101 of this Act, the United States Fire Administration shall give priority to—

(1) reducing the incidence of residential fires, especially in residences of the very old, the very young, or the disabled in urban and rural areas, through the development and dissemination of public education and awareness programs, through arson research and technical assistance programs, and through research and development on new technologies;

(2) working with State Fire Marshals and other State level fire safety offices to identify fire problems that are national in scope;

(3) disseminating information about the activities and programs of the United States Fire Administration to State and local fire services;

(4) enhancing the residential sprinkler programs, including research, demonstration activities, and technical assistance to the public and private sectors;

(5) enhancing research into sprinkler programs in areas or structure, with limited or no domestic water supply;

(6) through the National Fire Academy, enhancing the residential and field program in support of State level training programs, particularly those that support the volunteer fire service; and

(7) strengthening programs that help protect the lives and safety of fire and emergency medical services personnel, including research into causes of death and injuries, research and development on new technologies to mitigate and prevent injuries, dissemination of information, and technical assistance to State and local fire departments.

(b) REPORT TO CONGRESS.—The United States Fire Administration shall, within 1 year after the date of enactment of this Act, submit a report to the Congress on the activities undertaken pursuant to subsection (a)(1).

SEC. 103. REPORT ON IMPLEMENTATION OF HOTEL AND MOTEL FIRE SAFETY ACT OF 1990.

The United States Fire Administration shall, within 6 months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on its progress in implementing the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391; 104 Stat. 747), including amendments made by that Act. The report shall specify the nature of expenditures made as of the date of the report, as well as including an estimate of the costs and a specific schedule for implementation.

SEC. 104. LISTINGS OF DESIGNATED PLACES OF PUBLIC ACCOMMODATION.

Section 28 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2224) is amended—

(1) by striking "Certified" in the section heading; and

(2) in subsection (a)—

(A) by inserting "(acting through its Governor or the Governor's designee)" immediately after "each State" wherever it appears; and

(B) by striking "the Governor of the State or his designee certifies".

SEC. 105. FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION.

(a) EXCEPTIONS FOR CERTAIN AUTOMATIC SPRINKLER SYSTEMS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) the following new subsection:

"(b) EXCEPTIONS.—(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

"(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or 13-R. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.".

(b) DEFINITIONS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by adding at the end of subsection (d), as redesignated by this section, the following new paragraph:

"(3) The term 'governmental authority having jurisdiction' means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.".

SEC. 106. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

(a) AMENDMENT.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end of following new section:

"SEC. 31. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

"(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) The term 'affordable cost' means the cost to a Federal agency of leasing office space in a building that is protected by an automatic sprinkler system or equivalent level of safety, which cost is no more than 10 percent greater than the cost of leasing available comparable office spaced in a building that is not so protected.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers

are attached in a systematic pattern, and which, when activated by heat from a fire—

"(A) will protect human lives by discharging water over the fire area in accordance with the National Fire Protection Association Standard 13, 13D, or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto; and

"(B) includes an alarm signaling system with appropriate warning signals (to the extent such alarm systems and warning signals are required by Federal, State, or local laws or regulations) installed in accordance with the National Fire Protection Association Standard 72, or any successor standard thereto.

"(3) The term 'equivalent level of safety' means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.

"(4) The Term 'Federal employee office building' means any office building in the United States, whether owned or leased by the Federal Government, that is regularly occupied by more than 25 full-time Federal employees in the course of their employment.

"(5) The term 'housing assistance'—

"(A) means assistance provided by the Federal Government to be used in connection with the provision of housing, that is provided in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

"(B) does not include assistance provided by the Secretary of Veterans Affairs; the Federal Emergency Management Agency; the Secretary of Housing and Urban Development under the single family mortgage insurance programs under the National Housing Act or the homeownership assistance program under section 235 of such Act; the National Homeownership Trust; the Federal Deposit Insurance Corporation under the affordable housing program under section 40 of the Federal Deposit Insurance Act; or the Resolution Trust Corporation under the affordable housing program under section 21A(c) of the Federal Home Loan Bank Act.

"(6) The term 'hazardous areas' means those areas in a building referred to as hazardous areas in National Fire Protection Association Standard 101, known as the Life Safety Code, or any successor standard thereto.

"(7) The term 'multifamily property' means—

"(A) in the case of housing for Federal employees or their dependents, a residential building consisting of more than 2 residential units that are under one roof; and

"(B) in any other case, a residential building consisting of more than 4 residential units that are under one roof.

"(8) The term 'prefire plan' means specific plans for fire fighting activities at a property or location.

"(9) The term 'rebuilding' means the repairing or reconstructing of portions of a multifamily property where the cost of the alterations is 70 percent or more of the replacement cost of the completed multifamily property, not including the value of the land on which the multifamily property is located.

"(10) the term 'renovated' means the repairing or reconstructing of 50 percent or more of the current value of a Federal employee office building, not including the value of the land on which the Federal employee office building is located.

"(11) The term 'smoke detectors' means single or multiple station, self-contained alarm devices designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto.

"(12) The term 'United States' means the States collectively.

"(b) FEDERAL EMPLOYEE OFFICE BUILDINGS.—(1)(A) No Federal funds may be used for the construction or purchase of a Federal employee office building of 6 or more stories unless during the period of occupancy by Federal employees the building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the construction or purchase of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the building are protected by automatic sprinkler systems or an equivalent level of safety.

"(B)(i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal employee office building of 6 or more stories, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless during the period of occupancy by Federal employees the entire Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the lease of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the entire Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(ii) The first sentence of clause (i) shall not apply to the lease of a building the construction of which is completed before the date of enactment of this section if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at an affordable cost.

"(iii) Within 3 years after such date of enactment, and periodically thereafter, the Comptroller General shall audit a selection of certifications made under clause (ii) and report to Congress on the results of such audit.

"(2) Paragraph (1) shall not apply to—

"(A) a Federal employee office building that was owned by the Federal Government before the date of enactment of this section;

"(B) space leased in a Federal employee office building if the space was leased by the Federal Government before such date or enactment;

"(C) space leased on a temporary basis for not longer than 6 months;

"(D) a Federal employee office building that becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to such date of enactment; or

"(E) a Federal employee office building that is owned or managed by the Resolution Trust Corporation.

Nothing in this subsection shall require the installation of an automatic sprinkler system or equivalent level of safety by reason of the leasing, after such date of enactment, of space below the sixth floor in a Federal employee office building.

"(3) No Federal funds may be used for the renovation of a Federal employee office building of 6 or more stories that is owned by the Federal Government unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the renovation of any other Federal employee office building that is owned by the Federal Government unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(4) No Federal funds may be used for entering into or renewing a lease of a Federal employee office building of 6 or more stories that is renovated after the date of enactment of this section, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for entering into or renewing a lease of any other Federal employee office building that is renovated after such date of enactment of this section, unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(c) HOUSING.—(1)(A) No Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing in the United States for Federal employees or their dependents unless—

"(i) in the case of a multifamily property acquired or rebuilt by the Federal Government after the date of enactment of this section, the housing is protected, before occupancy by Federal employees or their dependents, by an automatic sprinkler system (or equivalent level of safety) and hard-wired smoke detectors; and

"(ii) in the case of any other housing, the housing, before—

"(I) occupancy by the first Federal employees (or their dependents) who do not occupy such housing as of such date of enactment; or

(II) the expiration of 3 years after such date of enactment.

whichever occurs first, is protected by hard-wired smoke detectors.

"(B) Nothing in this paragraph shall be construed to supersede any guidelines or requirements applicable to housing for Federal employees that call for a higher level of fire safety protection than is required under this paragraph.

"(2)(A)(i) Housing assistance may not be used in connection with any newly constructed multifamily property, unless after the new construction the multifamily property is protected by an automatic sprinkler system and hard-wired smoke detectors.

"(ii) For purposes of clause (i), the term 'newly constructed multifamily property' means a multifamily property of 4 or more stories above ground level—

"(I) that is newly constructed after the date of enactment of this section; and

"(II) for which (a) housing assistance is used for such new construction, or (b) a binding commitment is made, before commencement of such construction, to provide housing assistance for the newly constructed property.

"(iii) Clause (i) shall not apply to any multifamily property for which, before such date of enactment, a binding commitment is made to provide housing assistance for the new construction of the property or for the newly constructed property.

"(B)(i) Except as provided in clause (ii), housing assistance may not be used in con-

nection with any rebuilt multifamily property, unless after the rebuilding the multifamily property complies with the chapter on existing apartment buildings of National Fire Protection Association Standard 101 (known as the Life Safety Code), as in effect at the earlier of (I) the time of any approval by the Department of Housing and Urban Development of the specific plan or budget for rebuilding, or (II) the time that a binding commitment is made to provide housing assistance for the rebuilt property.

"(ii) If any rebuilt multifamily property is subject to, and in compliance with, any provision of a State or local fire safety standard or code that prevents compliance with a specific provision of National Fire Protection Association Standard 101, the requirement under clause (i) shall not apply with respect to such specific provision.

"(iii) For purposes of this subpararaph, the term 'rebuilt multifamily property' means a multifamily property of 4 or more stories above ground level—

"(I) that is rebuilt after the last day of the second fiscal year that ends after the date of enactment of this section; and

"(II) for which (a) housing assistance is used for such rebuilding, or (b) a binding commitment is made, before commencement of such rebuilding, to provide housing assistance for the rebuilt property.

"(C) After the expiration of the 180-day period beginning on the date of enactment of this section, housing assistance may not be used in connection with any other dwelling unit, unless the unit is protected by a hardwired or battery-operated smoke detector. For purposes of this subparagraph, housing assistance shall be considered to be used in connection with a particular dwelling unit only if such assistance is provided (i) for the particular unit, in the case of assistance provided on a unit-by-unit basis, or (ii) for the multifamily property in which the unit is located, in the case of assistance provided on a structure-by-structure basis.

"(d) REGULATIONS.—The Administrator of General Services, in cooperation with the United States Fire Administration, the National Institute of Standards and Technology, and the Department of Defense, within 2 years after the date of enactment of this section, shall promulgate regulations to further define the term 'equivalent level of safety', and shall, to the extent practicable, base those regulations on nationally recognized codes.

"(e) STATE AND LOCAL AUTHORITY NOT LIMITED.—Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard that establishes requirements concerning fire prevention and control. Nothing in this section shall be construed to reduce fire resistance requirements which otherwise would have been required.

"(f) PREFIRE PLAN.—The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

"(g) REPORTS TO CONGRESS.—(1) Within 3 years after the date of enactment of this section, and every 3 years thereafter, the Administrator of General Services shall transmit to Congress a report on the level of fire safety in Federal employee office buildings subject to fire safety requirements under this section. Such report shall contain a description of such buildings for each Federal agency.

"(2) Within 10 years after the date of enactment of this section, each Federal agency providing housing to Federal employees or housing assistance shall submit a report to Congress on the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.

"(3)(A) The National Institute of Standards and Technology shall conduct a study and submit a report to Congress on the use, in combination, of fire detection systems, fire suppression systems, and compartmentation. Such study shall—

"(i) quantify performance and reliability for fire detection systems, fire suppression systems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

"(ii) include a comparative analysis of compartmentation using fire resistive materials and compartmentation using noncombustible materials.

"(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed $750,000. The study shall not commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after the date of enactment of this section.

"(h) RELATION TO OTHER REQUIREMENTS.—In the implementation of this section, the process of meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefor.".

(b) EFFECTIVE DATE.—Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974, as added subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act.

TITLE II—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fallen Firefighters Foundation Act".

SEC. 202. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Fallen Firefighters Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP—

(1) VOTING MEMBERS.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of nine voting members, of whom—

(A) one member shall be an active volunteer firefighter;

(B) one member shall be an active career firefighter;

(C) one member shall be a Federal firefighter; and

(D) six members shall have a demonstrated interested in the fire service.

(2) NONVOTING MEMBER.—The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this title referred to as the "Administrator") shall be an ex officio nonvoting member of the Board.

(3) STATUS OF BOARD MEMBERS.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(4) COMPENSATION.—Members of the Board shall serve without compensation.

(b) APPOINTMENT AND TERMS.—Within 3 months after the date of enactment of this act, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

(1) three members to a term of 2 years;

(2) three members to a term of 4 years; and

(3) three members to a term of 6 years.

(c) VACANCY.—A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its voting members for a 2-year term.

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c).

(g) GENERAL POWERS.—

(1) ACTIONS BY THE BOARD.—The Board may complete the organization of the Foundation by—

(A) appointing no more than two officers or employees;

(B) adopting a constitution and bylaws consistent with this title; and

(C) undertaking other such acts as may be necessary to carry out this title.

(2) LIMITATION.—Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.

(h) OFFICERS AND EMPLOYEES.—

(1) STATUS.—Officers and employees of the Foundation shall not be considered Federal employees, shall be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and

subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) MAXIMUM SALARY.—No officer or employee may receive pay in excess of the annual rate of basic pay prescribed for level GS-15 of the General Schedule under section 5107 of title 5, United States Code.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Maryland; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income therefrom;

(4) to enter into contracts and other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(5) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Administrator may provide personnel, facilities, and other administrative services to the Foundation and shall require and accept reimbursements for such personnel, facilities, and services that shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services. Notwithstanding any other provision of law, Federal personnel and stationery shall not be used to solicit funding for the Foundation.

SEC. 206. VOLUNTEER STATUS.

The Administrator may accept, without regard to the Federal civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the United States Fire Administration, as volunteers in the performance of the functions authorized under this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF FOR CERTAIN FOUNDATION ACTS OR FAILURES TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 202(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 208. IMMUNITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

TITLE III—WORKER'S FAMILY PROTECTION

SEC. 301. 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 regulation 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 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 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, 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 from sums otherwise authorized to be appropriated, for each fiscal year such sums as may be necessary to carry out this section.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and will be printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Virginia?

Mr. PACKARD. Mr. Speaker, reserving the right to object, I do not object, but I rise to support H.R. 2042, and want to compliment the chairman of the subcommittee and the chairman and ranking member of the full committee for their efforts in bringing this about.

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

Mr. PACKARD. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, H.R. 2042, the Federal Fire Prevention and Control Act, which reauthorizes the programs of the U.S. Fire Administration, passed the House on June 3, 1991. The legislation was approved in the other body on September 29 together with several amendments which I will describe briefly.

The first amendment is technical in nature and facilitates the implementation of Public Law 101–391, the Hotel and Motel Fire Safety Act. The amendment deletes the requirement that the States certify that places of public accommodation meet the requirements of Public Law 101–391. Under the amendment, the States will still be required to formulate and submit the list of approved places of public accommodation to the Director of the Federal Emergency Management Agency [FEMA].

The second amendment incorporates portions of H.R. 3808, the Fallen Firefighters Foundation Act introduced by the Gentlewoman from Maryland [Mrs. BYRON]. The purpose of the foundation is to provide support for the memorial services at the National Fallen Firefighters' Memorial located in Emmitsburg, MD. This amendment was also developed in consultation with the majority and minority members of the Science, Space, and Technology Committee.

The third amendment incorporates H.R. 3360, the Federal Fire Safety Act of 1992 which was passed by the House on August 10, 1992. This bipartisan measure, which is the number one legislative priority of the Nation's fire service organizations will establish for the first time, minimum fire safety standards for Federal office space, housing for federal employees, and federally subsidized housing. In appropriate circumstances it will require the use of sprinklers and smoke detectors in Federal buildings, enabling the Federal Government to lead by example in the area of fire safety.

The final amendment requires 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 transported from their workplaces. I would like to express my deep appreciation to the gentleman from New York [Mr. BOEHLERT] who worked closely with me in developing the content of this legislation and who has worked tirelessly to obtain its passage.

Mrs. BYRON. Mr. Speaker, I rise today in strong support of H.R. 2042 which reauthorizes the programs of the U.S. Fire Administration and the National Fire Academy. I am especially pleased that this legislation includes the language of H.R. 3808, legislation I introduced in the House, to establish a National Fallen Firefighters Foundation Act.

The foundation established by this bill will enable us to honor the career and volunteer firefighters who have sacrificed their lives for the protection of their communities and Nation. It would serve as a charitable, nonprofit corporation, existing solely on donations made by individuals and organizations wishing to honor career and volunteer firefighters who have died in the line of duty and to assist their families. The primary purpose of the foundation is to maintain and preserve the National Fallen Firefighters Memorial, in Emmitsburg, MD, and finance the memorial's annual ceremony. If successful, the foundation could provide support to local efforts made throughout the country to commemorate these courageous men and women, and aid the firefighters' families wishing to attend the memorial service in honor of their loved ones.

At present, all costs incurred by the memorial, its annual ceremony, and the other efforts of recognition for the fallen firefighter, have been funded through FEMA. This foundation, in removing the burden from the taxpayer, will "encourage, accept, and administer" charitable contributions made in memory of those fallen heroes.

I am delighted that this foundation has been strongly endorsed by the fire community, including the Maryland State Firemen's Association, the National Fire Protection Association, and the International Association of Fire Fighters. The memorial is growing at a rapid rate, and so too is the need for its increased support. We must help commemorate these fallen heroes and assist those they have left behind. I ask my colleagues to join me in support of this legislation.

Mr. VALENTINE. Mr. Speaker, I rise today in support of H.R. 2042, comprehensive Federal fire legislation. This legislation will help the approximately 60,000 firefighters in North Carolina.

As a co-chair of the congressional fire caucus, I commend Representative BOUCHER and Representative BOEHLERT on their hard work to bring this legislation to the full House.

I am especially pleased to see that the Fallen Firefighters Foundation will be authorized by this act. People often do not realize how dangerous fire fighting can be, and I believe this foundation will call appropriate attention to those who have fallen in the line of duty.

Another important provision is the Federal Fire Safety Act. This legislation is the No. 1 legislative priority of the Nation's fire services organizations. Inclusion of this legislation will, for the first time, establish minimum fire safety standards for Federal buildings.

I have supported firefighters since I first came to Congress in 1983. During the 101st congressional, I chaired the subcommittee with jurisdiction over the National Fire Academy and worked for passage of National Fire Prevention Week.

I am delighted that this comprehensive legislation will be passed before the end of the 102d Congress. I look forward to continuing to battle for our Nation's firefighters, full-time and volunteer, in the future.

Mr. PACKARD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Virginia?

There was no objection.

A motion to reconsider was laid on the table.

URGING MEMBERS TO SUPPORT H.R. 2042, FEDERAL FIRE SAFETY ACT

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

Mr. BOEHLERT. Mr. Speaker, I want to commend this important legislation to my colleagues. I would like to point out something that is extremely important. It is often overlooked in this highly technology-intensive Nation of ours, the most affluent Nation on the face of this Earth.

We have the highest death rate and property loss rate due to fires. That is a sad commentary. That is something that we have to correct, and we are determined to do so. I would commend the chairman of the subcommittee, my colleagues, the gentleman from Virginia [Mr. BOUCHER] and the ranking member, my colleague, the gentleman from California, for their hard work on this legislation. This is something that I have been involved with right from the beginning, and it has been a pleasure for me to be a partner in a most worthy effort.

IN RECOGNITION OF EFFORTS OF MEMBERS ON H.R. 2042

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

Mr. WELDON. Mr. Speaker, I stand to praise the work of this subcommittee and the leadership of the gentleman from Virginia [Mr. BOUCHER] and the efforts of the gentleman from California [Mr. PACKARD]. They have done an outstanding job on this very important piece of legislation, with the cooperation of the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER], who has done yeoman's work on behalf of the Nation's fire service.

This is perhaps the single most important piece of legislation to the Nation's 1.5 million firefighters that we will consider this year. It reauthorizes the Fire Administration, a totally revamped Fire Administration, which now includes the National Fire Academy.

It also includes a new initiative offered by the gentleman from Virginia [Mr. BOUCHER] and the gentleman from New York [Mr. BOEHLERT], the Federal Fire Safety Act. It includes updates to H.R. 94, which became law last session, the first breaker bill in the history of this country.

It includes the Fallen Fire Fighters Foundation, and it also includes the Workers' Family Protection Act. These are significant pieces of legislation. I thank all of my colleagues for working on this, and on behalf of the 1.5 million domestic defenders in this country, we thank the gentleman for their leadership.

Mr. Speaker, as a former volunteer fire chief and the chairman of the congressional fire services caucus, I am very pleased to express my support for H.R. 2042. The primary purpose of this important legislation is to reauthorize the programs of the U.S. Fire Administration and the National Fire Academy. However, H.R. 2042 also includes several other provisions strongly backed by the American Fire Service.

Although the United States still struggles diligently to control our Nation's fire problem, the situation has dramatically improved over the last two decades. Yet even today, the statistics still indicate that the United States is at, or near, the bottom of most fire performance indicators for industrialized countries. In order to further enhance our Nation's fire prevention and control programs, we must provide U.S. Fire Administration and the National Fire Academy with additional resources.

Since their inception in 1974, the U.S. Fire Administration and the National Fire Academy have played key roles in preventing loss of life and property from fire. This bill would reauthorize the U.S. Fire Administration's funding for fiscal years 1992 through 1994, enabling them to strengthen their vital programs. In addition to directing the Fire Administration to give high priority to some salient issues like reducing the incidence of residential fires, H.R. 2042 requires the administration to report to Congress regarding its progress on implementing the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391).

The Federal Government should set an example in the area of fire safety and, by its own actions, encourage the private sector to use technology proven to save lives. Congress took a step in that direction when we approved the hotel-motel bill. Fortunately, H.R. 2042 presents us with another excellent opportunity to encourage fire safety by enacting the Federal Fire Safety Act.

The Federal Safety Act would establish minimum fire protection standards governing the installation of automatic sprinklers and smoke detectors in newly constructed or renovated Federal office space and federally assisted housing. When used in combination, automatic sprinklers and smoke detectors are a cost effective means of preventing fire devastation. I am particularly pleased that this important successor to the hotel-motel bill has been included as a provision of H.R. 2042.

This legislation also contains a provision to establish a fallen firefighters foundation. Each year, the families of fallen firefighters attend a memorial service at the National firefighter memorial in Emmitsburg, MD. Those who have lost fathers, mothers, brothers, and other immediate relatives in the line of duty are invited to attend. This charitable, nonprofit foundation would provide badly needed financial assistance and moral support to the families of the deceased and would be a fitting tribute to our brave domestic defenders.

Finally, this legislation also includes the Workers' Family Protection Act. This important provision addresses the issue of inadvertent exposure to Toxic materials outside of the workplace. In short, it requires a 4-year study on home contamination, with special consideration for the families of firefighters.

Mr. Speaker, H.R. 2042 is a good, solid piece of legislation. I am proud to be associated with its provisions and urge my colleagues to support its passage.

AUTHORIZING CORRECTION IN THE ENROLLMENT OF H.R. 2042, FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974 REAUTHORIZATIONS

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 138) to authorize a correction in the enrollment of H.R. 2042, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out subparagraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

"(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and well be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials; and"; and

strike out paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

(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, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later than 3 years after such determination.".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, Senate Concurrent Resolution 138 directs the Enrolling Clerk of the House to make corrections in the enrollment of H.R. 2042, the authorization for the Federal Fire Prevention and Control Act.

The resolution was initiated in the other body by Mr. JEFFORDS in response to interpretative concerns regarding the Jeffords amendment to H.R. 2042 raised by the gentleman from Pennsylvania [Mr. WALKER].

I would urge adoption of the resolution so that the interpretative concerns will be resolved.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

INTRODUCTION OF FOOD STAMP EMPLOYMENT AND FLEXIBILITY AMENDMENTS OF 1992

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

Mr. EMERSON. Mr. Speaker, I am introducing a bill today that will improve the Food Stamp Program and enhance waiver authority for welfare reform demonstration projects.

The President sent to Congress four proposals to promote work, provide flexibility and encourage innovation in Federal public assistance programs. One of these proposals includes changes in the Food Stamp Program that will remove limitations on work requirements and enhance waiver authority for welfare reform demonstration projects.

I believe there are major problems facing the entire public welfare system which require budgetary, regulatory, tax and welfare reform. I would like to see a system in which we provide benefits to people in a coordinated and simplified manner and provide employment and training for able-bodied participants. We must simplify the programs we have and make taxpayers out of those able-bodied people now in need of help. The food stamp proposal is a step in that direction.

These four proposals, including the food stamp proposal which I will sponsor, will be introduced today. I urge my colleagues to review these proposals. The welfare system is broken and must be fixed. When a family is in need of help, that need often crosses program lines and the hurdles that families must face are immense. They must go to different agencies, meet different eligibility standards, and abide by different rules and regulations. Administrators of these programs have similar problems. One of our first priorities should be to make sure that we improve the delivery of Federal welfare benefits to needy families across the United States.

SECTION-BY-SECTION SUMMARY OF THE FOOD STAMP EMPLOYMENT AND FLEXIBILITY AMENDMENTS OF 1992

REMOVE LIMITATIONS ON DURATION OF JOB SEARCH

Section 2 would amend Sections 6(d) and 20(e) of the Food Stamp Act to assign state agencies the responsibility for establishing the duration of job search periods for participants in the Food Stamp Program's employment and training (E&T) and workfore programs. Currently, the Food Stamp Program regulations limit job search to eight weeks at application and an additional eight weeks during each succeeding twelve month period. The proposal would remove this limitation, thus permitting state agencies to require longer or continual job search. State agencies are in a much better position to judge whether continuing job search is likely to help food stamp participants find work and expedite the time when they will no longer require Federal food assistance. It is reasonable to require able-bodied unemployed or underemployed people who are receiving Federal assistance to spend time searching for work, just as it is reasonable to require able-bodied employed people to continue working. The proposal would make any job search periods required by state agencies for E&T participants subject to any minimum period established by the Secretary by regulation.

REVISE PROHIBITION AGAINST DISPLACING EMPLOYEES

Section 3 would amend Sections 6(d) and 20(d) of the Food Stamp Act to expand state agencies' ability to place E&T or workfare participants. Currently, state agencies are prohibited by the statute from placing E&T or workfare participants in any job if doing so would have the result of displacing an employee who is not participating in E&T or workfare. The proposal would prohibit firing or laying off existing employees with the intent of replacing them with E&T or workfare participants, but it would enable state agencies to fill jobs vacated for other reasons with E&T or workfare participants as long as contracts for services/collective bargaining agreements were honored. Since state agencies have the responsibility for placing both E&T and workfare participants, those agencies are in the best position to know whether jobs are appropriate for such participants. State agencies should have as few constraints as possible in their efforts to place E&T and workfare participants in jobs.

AUTHORITY FOR STATE AGENCIES TO INCREASE HOURS OF PARTICIPATION IN COMMUNITY WORK EXPERIENCE PROGRAMS AND WORKFARE

Section 4 would amend Section 20(b) and (c) of the Food Stamp Act to make a technical amendment and to provide state agencies administering community work experience programs (CWEP) and food stamp workfare programs additional options.

The technical amendment would change an incorrect reference to a renumbered section of the Social Security Act. The incorrect reference currently prevents state agencies administering CWEP from considering the value of food stamps received by CWEP participants when calculating the maximum hours such participants can be required to work.

The proposal would give state agencies that administer CWEP the option to include the average monthly cost of providing Medicaid benefits and the value of Federal housing assistance when computing the maximum hours of CWEP participation. The maximum number of hours that CWEP participants receiving food stamps could be required to work would be capped at 40 hours a week. Currently, food stamp recipients who participate in CWEP are limited to 120 hours monthly. The proposal would provide state agencies that administer CWEP maximum flexibility in assigning participants to jobs.

The proposal would also provide food stamp state agencies administering workfare the option to consider the average monthly cost of providing Medicaid benefits (for food stamp households that receive Medicaid) and the value of Federal housing assistance, in addition to the value of households' food stamp allotments, in calculating the maximum hours workfare participants can be required to work. The maximum number of hours that workfare participants could be required to work would be capped at 40 hours a week. Currently, food stamp recipients participating in workfare are limited to 30 hours per week. The proposals would enhance state agencies' flexibility in administering this food stamp work program.

ENHANCED FOOD STAMP PROGRAM WAIVER AUTHORITY FOR WELFARE REFORM DEMONSTRATION PROJECTS

Section 5 would amend Section 17(b) of the Food Stamp Act to improve the Secretary of Agriculture's existing authority to approve waivers requested by states operating or wishing to operate welfare reform demonstration projects. The Secretary would be authorized to approve waivers of any aspect of the program, including eligibility requirements, benefit computations, and administrative procedures.

Currently, Section 17(b) of the Food Stamp Act authorizes waivers necessary to conduct demonstration projects but denies the Department authority to approve waivers that would lower or further restrict eligibility standards (income and resources) or benefits unless the project involves the payment of the average value of allotments in cash or improved coordination of E&T and AFDC's Job Opportunities and Basic Skills program. Improved waiver authority for welfare reform demonstration projects is necessary to permit tests of program changes that cannot be achieved under current authority. Such tests could lead to achieving one of the most important goals of this Administration: permitting closer conformity between the Food Stamp Program and the Aid to Families with Dependent Children program and other Federal assistance programs, thus leading to meaningful welfare reform and maximizing state agencies' flexibility.

EFFECTIVE DATE

Section 105 specifies that the amendments made by this bill will become effective on October 1, 1992.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 588

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During debate on this resolution, all time yielded is yielded for the purposes of debate only.

Mr. Speaker, House Resolution 588 provides for the expeditious consideration of the conference report to accompany the fiscal year 1993 Department of Defense authorization. The rule provides for the consideration of the conference report and waives all points of order against the conference report and its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, as Members know, the Committee on Armed Services has spent the better part of this year developing a bill which will serve as the basis for restructuring our Armed Forces to meet the Nation's defense requirements. The conference agreement reflects the realities of today's world and the Armed Services Committee is to be commended for its efforts in creating this legislation. Mr. Speaker, I urge adoption of this resolution in order that the House may proceed to the consideration of this most important conference agreement.

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Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I will not take much time to speak on this rule since this House has not just this legislation but a great deal of other business that it must address as well.

I will simply point out that H.R. 5006, the fiscal year 1993 Defense authorization, is an extremely important bill whose programs not only involve our national defense but our economy and its industrial base as well.

A great deal of time has passed since this House approved its version of this bill. Four months, in fact.

A procedural delay in the Senate, however, consumed several weeks in August and September.

Then, of course, a committee of conference was necessary to work through and resolve the differences in this extensive bill as passed by the two Houses.

The conference agreement is now ready for consideration by this House, however, and it is my understanding that it has the support of both Armed Services Committee Chairman, ASPIN and ranking minority member DICKINSON.

It appears at this time that it is a bill that the President can sign as well.

As we now move toward adjournment within the next few days, adoption of the rule before us will allow the House to go on to debate and conclude action on this bill.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama [Mr. DICKINSON], one of the most distinguished Members ever to serve in the House, and the long-time ranking minority member of the Armed Services Committee, one who is deeply admired and respected on both sides of the aisle. I am proud to yield him whatever time he might consume. He is retiring this year.

Mr. DICKINSON. Mr. Speaker, let me first thank our distinguished ranking member for the very glowing and flattering remarks. I very much appreciate it.

This will be the last opportunity I will have to speak on a rule for the Armed Services Committee. I am glad to say that this last rule on the last conference is on a bill that I am very pleased to support. I think that the conference committee report is something that our committee can be proud of, and that all of the Members of the House can support.

Mr. Speaker, this bill authorizes $274.5 billion for the defense of our country. We worked hard, and we were conscientious, and we are continuing on a downhill slope as far as funding for defense. We have funded this at some $7 billion under the administration's request, and it is $2.5 billion under what our own Budget Committee authorized.

We worked hard, very long hours, and after a very trying conference with the Senate we have brought back a conference report having resolved over 2,000 language differences with the Senate. We have accommodated 92 outside conferees representing 14 committees on almost 350 provisions.

As with any bill, the conference report on H.R. 5006, the fiscal year 1993 DOD authorization bill, had plenty not to like in it. I do not think anybody was unanimously happy with it. But I believe I am correct in saying that more of the conferees have signed, agreed to, and signed the conference report than any conference report in recent memory. There were only three of the House conferees who refused to sign the report, and that is something of a record.

There were many things that Members sought and thought should be included that were not, and there were many things that were included that some of us felt should not be included. However, in light of the ongoing international change and the domestic turmoil of our Presidential election, I think we come out with a reasonably good bill. I am not aware of any Department of Defense or administration opposition to our conference report. And as I said, only three conferees failed to sign the conference report.

Accordingly, Mr. Speaker, I urge support for this. We have a sort of truncated rule. The objectionable part that was in the bill dealing with abortion in military hospitals overseas was removed from this bill. It is subject to a separate rule. It will come up following this. But in order not to jeopardize the parent bill, the total bill, it is not in here.

I think there is nothing controversial in here, and I urge all of the Members to support it. I think all of the Members on this side will support it. I do urge support.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his great leadership all of these years.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN], a member of the Armed Services Committee.

Mr. DORNAN of California. Mr. Speaker, it is not fair when somebody becomes a legend in only a few years, and the gentleman from New York [Mr. SOLOMON] has already become a legend on the Rules Committee.

I would like to thank my good friend and former marine, JERRY SOLOMON, for providing me time today to speak on the fiscal year 1993 defense authorization report. I would also like to thank all of my fellow conferees for their hard work on this report, especially our committee's ranking minority member, BILL DICKINSON, who has always provided this House with outstanding leadership on defense issues and is retiring at the end of this session. For the first time in some years, I have found enough positive measures in this conference report to support the majority of the provisions agreed to in the conference.

We do not know what the world, economic or political environment of next year may look like, but this report, containing the majority of provisions proposed by President George Bush in his fiscal year 1993 Defense budget, is a large and vital step toward ensuring our future national security.

I was especially pleased with the outcome of three important issues I personally became involved with during our conference negotiations.

First, I was very satisfied with the conferees' agreement on the need to maintain our power projection capability through the modernization of our strategic bomber force.

Over 85 percent of the funding requested by the administration to provide the B–1B Lancer with conventional enhancements was included in the report. These enhancements will ensure that the Air Force has a reliable, penetrating supersonic bomber with all-weather precision bombing capability. Additionally, the conferees approved 20 B–2 Shadow Stealth bombers, the minimum number necessary to provide a credible long range stealth force.

Next, the conferees agreed to fund 36 F/A–18 C/D Hornet strike fighters and

proceed forward without delay with the vastly improved F/A-18 E/F Hornet variant. These 36 C/D's will immediately help address our continuing requirement to modernize our naval carrier strike force.

Anything less than 36 aircraft would have resulted in increased costs for both the Navy and the taxpayer in future C/D procurement. Meanwhile, by demonstrating our commitment to the F/A-18 E/F, an aircraft with more range, more payload, and more capability than the already combat proved C/D, we are guaranteeing our future naval aviators a modern, reliable, and survivable strike aircraft for future Desert Storms.

Finally, despite previous opposition in the House, the conferees agreed to fully fund research and development on a modest but essential ground-based antisatellite [Asat] system. Believe it or not, we do not possess any current capability to deny the enemy use of satellites in battle, despite the fact that up to 10 potentially hostile countries possess such a capability. If Saddam Hussein controlled satellites during Desert Storm, we may not have been able to successfully continue our bombing campaign or execute the Hail Mary ground maneuver which resulted in allied victory.

Besides these important conference issues, I was also very happy to see a modified version of my bill, H.R. 4513, the New Careers in Education Act, included in the conference. This legislation, which was part of the House bill, will provide our brave service men and women, as well as displaced Department of Defense and defense contractor employees, with incentives to pursue new careers as elementary and secondary school teachers.

With so much talent in our military, especially in science and math, the real winners of this legislation will be our children, who will have a new influx of knowledge and leadership in the classroom. We owe it to our brave service men and women, who have volunteered to sacrifice their lives in defense of our country, some small assistance in their transition to new civilian careers.

This report is by no means perfect, especially with regards to low SDI funding and unnecessary ABM Treaty requirements, but overall it represents a George Bush defense budget and a George Bush vision for the future security of this Nation. Let's just hope we can build upon this vision during the next 4 years and not have to rebuild our military strength at the end of this century.

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Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. 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.

PROVIDING FOR CONSIDERATION OF S. 3144, MEDICAL HEALTH CARE INITIATIVES ACT OF 1992

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 589 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 589

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 589 is the rule providing for the consideration of S. 3144, the Medical Health Care Initiatives Act of 1992.

It provides for consideration of S. 3144 in the House, any rule of the House to the contrary notwithstanding.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, S. 3144, the bill for which the Rules Committee has recommended this rule, is a measure that the House has passed each of the last 2 years as an amendment to the Department of Defense authorization bill. Unfortunately, both last year and this year the conferees on the DOD authorization bill have stripped the provision from the bill in the face of a Presidential veto threat.

The House has an opportunity to again affirm its commitment to safe, high-quality reproductive health services for women serving in our Armed Services as well as the dependents of all those serving in the military abroad.

These services were available, paid for by the recipient, for years. But beginning in 1988, the Defense Department prohibited military health care facilities from performing abortions, even when the woman's life is in jeopardy and even though she would pay for the procedure herself. For the many women stationed in countries that do no have adequate health care or legal abortion, this policy dooms them to unsafe or illegal procedures.

Our military provides health care to the men and women in the armed forces and their dependents because the health services in some foreign counties are not adequate. Yet, for this one issue, abortion, which is legal in the United States, we refuse to ensure that military families receive safe treatment.

Passage of S. 3144 will overturn this dangerous policy that was never approved by Congress. It will allow a woman to receive an abortion at an overseas military health facility if she pays all the costs, direct and indirect, associated with the procedure.

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

Mr. Speaker, if the Members of the House who saw 60 Minutes last night and saw the fate of women in the military who are raped and the inattention that was given to their charges and to all the people in the House and in the country who have watched the Tailhook problem unfold, I hope that this time we can have an opportunity to correct what is an absolute injustice for the women in the military and for military spouses.

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

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

Mr. Speaker, I oppose this rule not just because it is a restrictive rule but because we should not even by considering it at this time.

The President will veto this bill. It will be a pocket veto. We have gone through this battle over and over again. We even had it today.

It seems to me that we should be dealing with the pressing matters of appropriations bills, conference reports, and those sorts of things which are coming forward.

So I urge opposition to this rule.

Mr. Speaker, at this point in the RECORD I am inserting the statement of administration policy.

Mr. Speaker, I oppose this rule, not because it is a restrictive rule, but because it should not even be considered. The President will pocket veto S. 3144. He always vetoes these bills and Congress always sustains that veto.

Under these circumstances, Mr. Speaker, I find it strange that we are wasting time on this issue when there are only 3 days left before we adjourn, and there are dozens upon doz-

ens of conference reports, appropriations bills, and suspensions waiting to be heard.

It seems to me Mr. Speaker, that we should not be considering controversial measures that have already been considered this year and have no chance of passage. The provision to allow certain medical procedures on military bases was in the Defense authorization bill and the conferees took it out because it is a party spoiler.

For this reason, I oppose this rule, and I reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

If S. 3144 were presented to the President in its current form, the President's senior advisers would recommend a veto.

S. 3144 would substantially change Federal policy with respect to abortion. The bill would allow abortions on demand to be performed at overseas U.S. military facilities in cases other than when the life of the mother is endangered. Since 1981, the Federal Government has determined that taxpayer funds should be used for abortion in only the most narrow of circumstances: when the life of the mother is endangered.

The President has repeatedly voiced his strong view that such a policy should continue and that any attempt to weaken current abortion policy would warrant a veto.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MINK. Mr. Speaker, I rise in support of the veto override. As of yesterday, millions of women across this Nation will not receive comprehensive and accurate medical information in clinics which receive title X funding.

I received a notice from the Hawaii Department of Health that explains how my State proposes to cope with the gag rule, while attempting to continue to provide complete and appropriate medical information and services to the women who attend publicly funded clinics.

The statement by the Hawaii Department of Health clearly portrays the struggle States will have in trying to provide complete health information and services to women while being gagged by the Federal Government. The statement is as follows:

Publicly subsidized family planning clinics throughout the State have arranged services supported with State funds to assure continued pregnancy testing, counseling, and referral services. We emphasize that State money will be used—no Federal title X funds. The implementation of the title X gag rule began as of October 1, 1992. Title X funds will continue to be used to subsidize preventive family planning services in Hawaii.

Nevertheless, women in Hawaii who visit any Department of Hawaii subsidized clinics will experience no disruption in regular services. Many added hours of staff time, however, will have to be put into documentation of the changes and activities necessary to assure compliance.

State law in Hawaii protects women's right to privacy, information, and referral for their choice of all medical services for reproductive health, including pregnancy, and family planning. The gag rule prohibits the use of Federal title X funds for information or referral for abortion. Fortunately for Hawaii residents, the State legislature provides sufficient funding to the statewide family planning system so that clinics are not confined to the title X funded project and its rules.

The legality of the gag rule continues to be challenged. A U.S. district court of appeals will decide on an appeal for injunction against the rule by the National Family Planning and Reproductive Health Association and the National Association of Nurse Practitioners in Reproductive Health.

The State and federally funded program in Hawaii services about 18,000 low-income women each year with primary prevention service including family planning medical exams, screening for breast and cervical cancer, sexually transmitted diseases, pregnancy testing and referral, and information and referral for a variety of health problems which might otherwise go undetected. Title X makes up less than 37 percent of the funding of the overall publicly subsidized family planning program.

The Department of Health Office of Family Planning, which administers the program, contracts the majority of services to voluntary agencies throughout the State—ambulatory clinics, primary care centers, hospitals, women's health clinics, Planned Parenthood, and some private physician offices and group clinics. Only five, however—The Bay Clinic, Kalihi-Palama Health Clinic, Kokua Kalihi Valley, Rural Oahu Family Planning Project, and the University of Hawaii Women's Health Clinic—are partially supported with title X funds. These clinics will continue to offer family planning services and referral through State-funded clinic projects.

Although President Bush indicated physicians would be allowed to provide counseling and referral for abortion services, this offers no real relief. Most title X projects have voluntary or part-time physicians and medical directors, but qualified nurse practitioners—often trained by title X funds—provide the client services and these professionals are not included in the Presidential exemption. This problem is one of several reasons for the court actions pending.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Saturday, October 3, 1992.

AUTHORIZING SPECIAL FACILITIES CENTER OF THE LIBRARY OF CONGRESS

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5575) to authorize certain uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress and for other purposes, as amended.

The Clerk read as follows:

H.R. 5575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIBRARY OF CONGRESS SPECIAL FACILITIES CENTER.

Section 205(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 141 note) is amended by adding at the end the following new sentence: "The property acquired under this section shall be known as the 'Library of Congress Special Facilities Center' (hereinafter in this section referred to as the 'Center').".

SEC. 2. ADDITIONAL USES OF THE CENTER.

Section 205(g) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 141 note) is amended—

(1) in paragraph (2), by striking out "and" after the semicolon;

(2) by redesignating paragraph (3) as paragraph (6); and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) for external training;

"(4) for general assembly and education programs of the Library;

"(5) for temporary living quarters and common areas for visiting scholars using the collections of the Library or participating in the programs of the Library; and".

SEC. 3. FEES FOR USE OF THE CENTER.

Section 205 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

"(h)(1) The Librarian of Congress—

"(A) may charge fees for use of the Center under paragraphs (3), (4), and (5) of subsection (g); and

"(B) shall deposit the fees in the fund under paragraph (2).

"(2) There is established in the Treasury a fund which shall consist of amounts deposited under paragraph (1) and such other amounts as may be appropriated to the fund. The fund shall be—

"(A) available to the Librarian of Congress, in amounts specified in appropriations Acts, for the expenses of the Center; and

"(B) subject to audit by the Comptroller General at the discretion of the Comptroller General.".

SEC. 4. TEMPORARY RESTRICTION ON EVENING USE OF THE CENTER.

No evening meetings may be held at the Library of Congress Special Facilities Center until an on-site parking plan for the property is approved by the Joint Committee on the Library.

SEC. 5. REPEAL OF DUPLICATE PROVISIONS OF LAW.

Effective November 15, 1990, sections 1, 2, and 4 of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes", approved November 15, 1990 (2 U.S.C. 141 note) are repealed.

□ 1930

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule,

the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Georgia [Mr. GINGRICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5575 seeks authorization by the Library of Congress to expand uses of the building at 601 East Capitol Street (formerly St. Cecelia's Academy). Specifically, the Library of Congress requests authorization to provide external training programs; temporary lodging quarters for visiting scholars and selected participants in Library programs; and for general assembly and meeting purposes.

I urge my colleagues to support H.R. 5575 legislation for three important reasons. First, and foremost, for the child care center which was the major impetus for the purchase of the facility. If the day care center is to open for operation as scheduled in April 1993, all major construction must be completed by February. Continuation of construction hinges on completing an essential fire sprinkler system, but installation of the system first requires that plans be finalized for the upper floors. However, major construction plans cannot be finalized until the additional uses for the upper floors are authorized by this legislation.

Second, the educator's institute is another important Library outreach program consistent with our national priority for enhancing American competitiveness. This program brings groups of 30 elementary and secondary school teachers and librarians from all over the United States to the Library to learn from distinguished lecturers and to participate in guided use of the Library's collections. Were facilities available, these programs could be doubled, or tripled, to assist those people who deal most directly with the young.

And finally, this legislation is to make the Library accessible to those who might otherwise be unable to benefit from the richness of its collections. Many foreign interns must decline offers to participate in Library programs, and those who do accept often suffer hardship because of a lack of housing support. This facility will provide a special service to those whose financial resources and programmatic needs justify it. At the same time, because the facility has a limited capacity of approximately 17, the facility will not significantly divert patronage from the other available accommodations on Capitol Hill.

This legislation does not include a request for any additional funds. It seeks rather to establish a special deposit account in the U.S. Treasury into which moneys generated from the residential uses of the facility will be deposited.

I am mindful that increased usage of the East Capitol facility will generate traffic which could impact on the community. It is anticipated that any use of the facility during evening hours would occur only on rare occasions.

Consequently, this legislation provides that the community concerns regarding the impact of increased traffic due to evening use of the facility are considered. In response to those concerns, this amendment requires that any parking plan for the special facility center shall be developed in consultation with the Delegate from the District of Columbia, Ms. NORTON, in order to address the concerns of residents living in the neighborhood where the special facility center is located.

I urge my colleagues to support and adopt H.R. 5575, as amended.

Mr. Speaker, I include herewith the correspondence between the gentleman from North Carolina [Mr. ROSE], chairman of the Committee on House Administration, and the gentleman from New Jersey [Mr. ROE], chairman of the Committee on Public Works and Transportation, acknowledging jurisdiction of the Committee on Public Works over various provisions of Public Law 101-562 and identical provisions of Public Law 101-520, as follows:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, October 1, 1992.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I have received your correspondence regarding H.R. 5575 as it pertains to the jurisdiction of the Committee on Public Works and Transportation.

We have reviewed the technical amendment in the nature of a substitute to the bill and, in exchange for your acknowledgment of our jurisdiction, our Committee waives its right to a sequential referral of this legislation. It should be noted, however, that this should not be construed as a waiver, now or in the future, of this Committee's jurisdiction over the issue in question, or our inclusion in any conference thereon. In addition, we have no objections to House consideration of the matter under suspension of the rules. I ask, however, that our exchange of letters be made a part of the debate concerning this measure.

With all good wishes.

Sincerely,

ROBERT ROE, *Chairman.*

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 1, 1992.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: On September 23, 1992, the Committee on House Administration ordered reported H.R. 5575, authorizing certain expanded uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress.

Although H.R. 5575 modifies or repeals provisions of legislation originating in the Committee on Public Works and Transportation, consideration of this bill will not diminish the jurisdiction of that Committee over measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Library of Congress.

This Committee believes that future legislation proposing to amend various provisions of P.L. 101-562 (and identical provisions contained in P.L. 101-520) would be subject to referral to the Public Works and Transportation Committee under House Rule X.

After reviewing the text of the technical amendment in the nature of a substitute to the bill, this Committee would appreciate your consideration of allowing the matter to be taken up under suspension of the rules as soon as the schedule permits.

With my very best wishes,

Sincerely,

CHARLIE ROSE, *Chairman.*

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

Mr. GINGRICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that the recent purchase of St. Cecelia's on Capitol Hill for use by the Library of Congress has resulted in acquisition of much-needed space for employee training and for a day care center for the children of Library employees. H.R. 5575 extends the uses of St. Cecelia's to include external and congressionally related training and temporary living quarters for visiting students and scholars.

Currently, the Library is critically short of adequate training space. Among the Library's many training programs are the 200 programs conducted each year by the Congressional Research Service for 10,000 congressional staff members. By authorizing the Library to use St. Cecelia's for external and congressionally related training, this legislation makes valuable training space available. Further, the plans for the facility include use of sophisticated technology, including interactive video and CD ROM technology.

H.R. 5575 authorizes the use of St. Cecelia's for temporary living quarters for visiting scholars participating in Library programs.

Seventeen dorm like rooms would be available on a fee recovery basis. A special account would be created in Treasury into which moneys received for dorm residence and use of the space by outside groups will be deposited. This legislation does not require any new funds for St. Cecelia's but does allow the Library of Congress to use the facility to its full potential at a time when the Library is critically short of adequate space.

Let me say as a former teacher of West Georgia College, I know the importance of the Library of Congress for scholars all across this country and in fact around the world. I know what an extraordinary research facility the Library is. And I think that from all over the world there will be people who will find a real use and a real asset in having access to the Library, having access to the kind of facility for visiting scholars that is suggested here.

Since it will be self-supporting in terms of fees, it seems to me it is a win-win relationship for both the taxpayer and the world of knowledge.

So I strongly urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 5575, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize certain additional uses of the Library of Congress Special Facilities Center, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS ACT OF 1991

Mr. DERRICK, Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2164) to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority as amended.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expedited Consideration of Proposed Rescissions Act of 1992".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress a special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill or joint resolution that, if enacted, would only rescind that budget authority.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—

"(1) The amount of budget authority which the President may propose to rescind in a special message under this section for a particular program, project, or activity for a fiscal year may not exceed 25 percent of the amount appropriated for that program, project, or activity in that Act.

"(2) The limitation contained in paragraph (1) shall only apply to a program, project, or activity that is authorized by law.

"(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the appropriation Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

"(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

"(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

"(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint

resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

"(e) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall apply to amounts of budget authority provided by appropriation Acts (as defined in subsection (g) of such section) that are enacted during the One Hundred Third Congress.

SEC. 4. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate effective on the date in 1994 on which Congress adjourns sine die.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. DERRICK] will be recognized for 20 minutes, and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

For what purpose does the gentleman from Minnesota [Mr. SABO] rise?

Mr. SABO. Mr. Speaker, I rise in opposition to the motion and request a portion of the time.

The SPEAKER pro tempore. Is the gentleman from New York [Mr. SOLOMON] opposed to the motion?

Mr. SOLOMON. Mr. Speaker, we are in support of the motion.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. SABO] qualifies and will receive the 20 minutes.

The gentleman from Minnesota [Mr. SABO] will be recognized for 20 minutes.

Mr. DERRICK. Mr. Speaker, I yield 10 minutes of my time to the gentleman from New York [Mr. SOLOMON] and ask unanimous consent that he be allowed to yield time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina will be recognized for 10 minutes, the gentleman from New York [Mr. SOLOMON] will be recognized for 10 minutes, and the gentleman from Minnesota [Mr. SABO] will be recognized for 20 minutes.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. ANDREWS of Texas. Mr. Speaker, I rise in strong support of H.R. 2164, the expedited rescission proposal sponsored by Congressman CARPER.

I came to Congress very much opposed to the line-item veto. I have always believed that it would shift far too much power and leverage to the President, unfairly tilting the system of checks and balances between the legislative and the executive branches.

It is no surprise that John F. Kennedy, Jimmy Carter, Ronald Reagan and George Bush, and Bill Clinton have all voiced support for the line-item veto. Can you imagine how a President like Lyndon Johnson could use this provision to his advantage?

President Bush's line-item veto proposal, for example, would effectively shift the congressional power of the purse to the executive branch, allowing for the deletion of any item in any spending proposal and requiring a two-thirds majority vote by the Congress to override the President's veto.

Yet the ability to eliminate wasteful and unjustifiable programs from a large spending bill is attractive. As Nikita Khrushchev once said: "Politicians are the same everywhere—they will build a bridge where there is no river."

Last year's Highway Administration bill is a case in point. This bill allocated 35 percent of the $6.5 billion in Federal highway funds available for demonstration projects to only five States, including funding for the following programs: $35 million for a monorail in Altoona; $1.6 million for a state of the art technology project to control rock slides in Lewistown; and $14.2 million to elevate 14 bridges over Molly Ann's Brook.

I am a cosponsor of the expedited rescission proposal because this bill maintains our governmental system of checks and balances while also increasing the accountability of both the executive and legislative branches for reducing the deficit.

The expedited rescission proposal restores accountability to Federal spending practices by allowing the President, with the approval of the Congress, to rescind funding for those programs that are slipped into appropriations bills—such as the renovation of Lawrence Welk's home—without the prior authorization of the Congress.

This bill adds to current law by providing a mechanism for the expedited consideration of those proposed Presidential rescissions that meet its specific criteria, without shifting the balance of power to the President by requiring only a simple majority vote by the Congress to approve or defeat the proposed rescissions.

And lastly, the bill is binding only for 2 years—if it fails to increase spending accountability or has unforeseen consequences, the expedited rescission can be improved or repealed altogether. As I see it, this is one tool to restore fiscal accountability that the Congress cannot afford to pass by.

Mr. HUGHES. Mr. Speaker, I rise in strong support of H.R. 2164, the Expedited Consideration of Proposed Rescissions Act of 1992.

If we are to escape the budget woes that plague this country, it is imperative we reduce spending, particularly wasteful or unnecessary spending. H.R. 2164 gives the Congress and the President the mechanism to do just that.

H.R. 2164 brings sorely needed improvement to the current budget process. The measure is far better than a line-item veto in that it respects the balance of powers by involving the President and the Congress in the process.

The bill makes a critically important distinction between authorized and unauthorized pro-

grams. The President may call for an elimination of 100 percent of any unauthorized program, but could only propose to eliminate 25 percent of an authorized program. This is appropriate and reasonable. Authorized programs have already been scrutinized at the committee level, and by the full House. In addition, the President has had the opportunity to veto authorizing legislation.

We are all too familiar with unauthorized programs that are not subject to this type of review, and the extra projects that tend to pop up. H.R. 2164 gives Congress and the President the needed authority to control programs which represent poor prioritization, or unnecessary spending.

The measure is carefully crafted. It imposes a 3-day period in which the President may submit a rescission to Congress. Unlike the line-item veto, the Congress must vote on any rescission proposed by the President. If Congress rejects the rescission, the funds in question would be spent in accordance with the legislation.

Finally, this is a 2-year trial program. At the close of 103d Congress, we have the option to amend this measure if changes are needed, and Congress may extend the bill, or make it a permanent mechanism.

H.R. 2164 will not eliminate our deficit overnight. We must restructure our entire budget process. But this bill addresses one critical aspect of the budget process. It equips us with another means to eliminate those programs which have not been thoroughly scrutinized. It creates greater degree of accountability, and ensures that only programs which are genuinely deserving, are funded by the Congress. I urge my colleagues to vote for this vital legislation. It is the fiscally responsible thing to do.

Mr. GRADISON. Mr. Speaker, I rise in favor of H.R. 2164, the Expedited Consideration of Proposed Rescissions Act of 1992.

I applaud the courage the distinguished gentleman from Delaware exercised in compelling his leadership to bring this measure to a vote. Unfortunately, the leadership saw fit to handicap the bill by bringing it up under suspension so it must garner a two-thirds majority.

Over the past year, the Democratic leadership has fought strenuously against any reform of budget process legislation. Representative STENHOLM was forced to resort to a discharge resolution to bring the balanced budget amendment to the floor. More recently, the Democratic leadership buried a budget process reform bill introduce by the chairman of the Budget Committee by referring it to three committees which had no intention of reporting it. Meanwhile, that same Democratic leadership has repeatedly tried to dismantle the budget discipline we do have.

Today we have a rare opportunity to vote on a series of modest reforms in the rescission process. The most important feature of the bill is a requirement that the Congress take a prompt and timely vote on the President's proposed rescissions.

Currently, any proposed rescission is automatically canceled if the Congress does not approve it within 45 days. Congress can block a rescission by simply refusing to vote on it—effectively exercising a passive veto over the rescission process. Since 1974, the Congress has approved only 35 percent of all proposed rescissions. To its credit however, Congress has initiated rescissions of almost $50 billion.

In my view, the ability of the Congress to block rescissions by simply refusing to act is symptomatic of a bias in the existing budget process against deficit reduction. Most of our budgeting is done on an incremental basis that simply builds on the priorities of the past. Our entitlement programs are automatically funded so that they don't have to compete with other deserving programs. I could name many other examples.

At a time when we are facing record deficits, Congress should be actively engaged in every effort to control spending—no matter how small. If we disagree with a rescission, let us act on our convictions by voting "no."

I would like to add that I am not unsympathetic with concerns that this bill would upset the delicate balance of power between the executive and legislative branch over the budget process. I, for one, have opposed the line-item veto largely on the grounds that it might lead to logrolling between the executive and legislative branches that would result in just the opposite of its intended outcome.

Nothing in this proposal erodes the ability of the Congress to control appropriations. All it does is require the Congress to provide a separate vote for each rescission, if only to defeat it.

We should not be under any illusion that this amendment will solve our budget problems. Programs subject to enhanced rescission constitute 40 percent of Federal outlays. What we really need is to make the decisions that actually cut spending.

Nevertheless, I urge my colleagues to support this modest but positive change in the President's rescission authority.

Mr. MORAN. Mr. Speaker, earlier this week we had an opportunity to vote on a line-item veto.

I voted with the majority in rejecting this provision.

Given the prolonged recession, the seemingly intractable budget deficits and the trillion dollars that has been added to our national debt over the last decade, desperate measures and radical proposals are necessary.

I was not ready, however, to support a line-item veto that would undermine the authority and tip the balance of power against this branch of our Nation's government.

I am pleased to vote today for the expedited rescission proposal, H.R. 2164.

This proposal establishes a constructive procedure to weed out expenditures that were never authorized, without undermining Congress's important control over the appropriations process.

At a time when we are facing a $350 billion budget deficit, we must make sure all expenditures are of legitimate national interest.

This measure before us today will effectively check these expenditures without forcing us to the other extreme.

I would remind my colleagues, however, that while this measure is needed and should be supported it is not a panacea.

It will not balance the Federal budget.

There are no simple or easy solutions for balancing the Federal budget.

Most people assume you can do it by eliminating all the perks, pork barrel projects, all the waste, fraud and abuse within the Federal Government.

This makes good campaign rhetoric, but it does little to solve the problem and distracts us from a constructive dialog on real deficit reduction efforts.

Mr. Speaker, we could lock all Government offices and stop all operations at the Congress, the White House, the Federal and Supreme Courts, the FBI, the Park Service, the Defense Department, the National Institutes of Health, and keep them closed for the remainder of this year, and we would still not balance the budget.

I commend my colleagues to read the recent three-part series by Steven Mufson entitled "The Mortgage on America" that was featured in the Washington Post this past week.

I ask unanimous consent that it be included in the RECORD along with my remarks.

Mr. Speaker, this series explains in very understandable terms what the budget deficit and the $4 trillion in national debt mean in lost opportunities and indirect costs to the American public.

Restoring economic growth and deficit reduction must remain our top priorities.

But, we must be honest with the public on the tough choices we have to make.

The expedited rescission proposal before us today puts the Federal Government on the right track.

With enactment of this measure we can move on to a constructive discussion of other meaningful deficit reduction measures.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 776, ENERGY POLICY ACT OF 1992

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file the conference report on the bill (H.R. 776) to provide for improved energy efficiency. This request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BILBRAY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I consume. Mr. Speaker, I am delighted to bring this very important budget process reform bill, H.R. 2164, to the floor tonight.

Mr. Speaker, I know my constituents will be delighted to hear the purpose of this bill is to give the President a legis-

lative line-item veto. I have supported the line-item veto for a long time.

The Rules Subcommittee on the Legislative Process, which I have the honor to Chair, last week completed hearings on not only H.R. 2164, but all the legislative line-item veto bills referred to us. In my opinion, H.R. 2164 is the best of them.

Briefly, Mr. Speaker, H.R. 2164 would enhance the President's accountability over spending by allowing him, during the next 2 years, to send Congress special messages proposing to reduce or eliminate specific items in appropriations acts. The bill would enhance congressional accountability because Congress would have to vote up or down on Presidential rescission proposals.

Under the bill, after the President signs each appropriations act into law, he could, if he chose, within 3 days send to Congress a special rescission message proposing to reduce or eliminate amounts of budget authority, essentially line-items, which were contained in that act. The President could propose to cancel up to 100 percent of any unauthorized appropriations in the act, and up to 25 percent of authorized appropriations.

The contents of the President's message would be introduced in the House by the majority or minority leader, or if not, by any Member. It would be referred to the Appropriations Committee, which must report it out within 7 days without substantive change. Within 10 days of introduction, the House must vote on the bill without amendment.

If the House passes the bill, it goes to the Senate, where a similar process would be followed under a similar timetable. Presumably, since the legislation incorporates the President's proposal, he would sign it into law. The rescinded appropriations would be permanently canceled and spending reduced.

If, on the other hand, the legislation is defeated in either House, the President must make the appropriated funds available for obligation.

Mr. Speaker, during our subcommittee hearings we heard testimony suggesting some legislative line-item veto proposals would dramatically shift power from the legislative branch to the executive branch of Government. There was concern expressed that some of the bills before us would essentially require Congress to muster a two-thirds majority in both Houses to implement its spending priorities.

The Carper bill preserves the balance of power between Congress and the President. All the Carper bill does is require Congress to consider and vote on certain Presidential rescission messages, something which Congress is not now required to do. By contrast, current law permits the Congress to reject rescission proposals by inaction, with no vote and no accountability.

Finally, as I indicated, the amendments made by the Carper bill are also temporary, a test-drive, for the 103d Congress only. With any reform, especially procedural reform, there are unforeseen and unintended consequences.

Therefore, it seems a good idea to try this out for a limited time and see how it works. If it proves useful, Congress can extend it or make it permanent. If it doesn't work, we can let it expire. Either way we—and our constituents—will know we have given the legislative line-item veto a try.

Mr. Speaker, I think every witness who appeared before my subcommittee agreed with one idea: That the legislative line-item veto is not the only answer to our deficit problem. In fact, it isn't even a very big part of the answer, since only about one-third of all expenditures could ever be subject to it.

But I believe we must use every weapon at our disposal if we ever hope to win the battle against the Federal budget deficit. I commend the gentleman from Delaware for his fine legislation and urge its adoption.

□ 1940

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

Mr. SABO. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I want to thank the gentleman for yielding me this time.

Mr. Speaker, on our Committee on Appropriations, we have carefully examined this legislation. We think it is a mistake to pass this bill.

As you know, rescissions are provided for under the Budget Reform Act of 1974. Down through the years this law has worked and I think worked well. We have Members in the House who are against the Budget Reform Act. They have been against it now for a number of years. We have a chairman of that committee and a ranking minority member and members on the Budget Committee who I think had done a good job through the years.

As the law provides, you know, we not only have rescissions, but we have deferrals under the Budget Reform Act. Over the years, Presidents have requested rescissions from time to time, and the amounts requested, we on our Committee on Appropriations have exceeded the President's requested rescissions about $1.8 billion.

The different Presidents since the passage of the Budget Reform Act have requested $69,300,000,000 in rescissions and we have exceeded the requests of the Presidents and rescinded $71 billion.

During the present year, President Bush requested rescissions totaling $7.9 billion. We have rescinded $8.2 billion.

We held hearings on the different amounts proposed. We carefully examined each request. We then rescinded $8.2 billion.

This clearly shows, Mr. Speaker, that under the Budget Reform Act the provision concerning rescissions has worked and it has worked well.

The present law, as you know, gives us the opportunity to change the request that is submitted by the Presidents in regard to rescissions. We can makes changes in the proposal, not only increasing the amount, but making changes as to the different programs presented and amounts requested.

Under the present bill, as I understand, Mr. Speaker, we must include the President's request for the rescission as it is proposed. There is no change permitted as far as the amount is concerned. A vote would come up or down. There would be no opportunity to change any part of the requested rescission.

Therefore, Mr. Speaker, I would like all the Members of the House now to carefully consider this. In our Committee on Appropriations, we have worked hard this year and it gives me an opportunity at this time to thank the Members on both sides of the aisle.

My chairman, one of the ablest men who ever served in this Congress. He has been a little under the weather, and he asked me, as the No. 2 member on the committee, to help him with these bills. With the help of Members on both sides of the aisle, we took 13 appropriation bills by the last day of July and sent them over to the other body, by virtue of the assistance on both sides of the aisle, and I appreciate it.

Mr. Speaker, we ought to carefully consider this matter. This resolution should be defeated.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PANETTA], the distinguished chairman of the Committee on the Budget.

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

Mr. Speaker, I rise in support of this legislation. I have the greatest respect for the gentlemen from Kentucky and the members of the Appropriations Committee.

I do not view this legislation, very frankly, as either a transfer of power to the President or a threat to the prerogatives of the Appropriations Committee. I view it as an effort to try to expedite the existing process with regard to rescissions. Right now under the existing process, when the President sends up a rescission package if one-fifth of the House wants to discharge that and bring it to a vote, they have the opportunity to do that, or nothing can happen.

Let us use the example of what happened this year. The President offered a rescission package of approximately $7.8 billion. The Appropriations Committee came back with a package of

$8.1 billion. We voted on the appropriations package and then we voted on the President's package, and that is the way it should be done.

The problem right now with the present procedure is that you could face a situation where nothing can happen. In other words, you could have no discharge and you ultimately could not have a vote on the President's package.

I think at the very least the President deserves a vote on his package, and essentially that is what this legislation provides. It provides for a vote on the President's package. It does not take away from the ability of the Appropriations Committee to offer a substitute for what the President presents. If the Appropriations Committee offers that substitute, we vote on it. We then vote on the President's package. That is essentially what this is. This is expedited rescission. That is the title of this legislation.

I commend the gentleman from Delaware for his willingness to work with us in the Budget Committee to clarify some of the provisions here.

I think this represents a step forward.

There are some line-item procedures out there that involve constitutional amendments that I think do represent a transfer of power to the President, that do represent a threat to the Appropriations Committee and their prerogatives. This is not that kind of legislation. This was carefully drafted, and I think for that reason it ought to be supported by the Members.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, would the gentleman tell me if I understood him correctly?

I understand that, under this bill, if the President sends up a rescission the 1st of November, and we are not in session, 10 days later we obviously can't do anything with it. Say it is for the FCC or the FTC. They are not authorized. You could potentially shut down the FTC and the FCC while we are not in session.

Mr. PANETTA. That is not the case. If in fact we are out of session——

Mr. SMITH of Iowa. We cannot authorize it or vote down the rescission when we are out of session.

Mr. PANETTA. My understanding is that if we are out of session and we have adjourned, the President then decides to rescind, we would then pick up the rescission at the beginning of the next session of the Congress.

Mr. SMITH of Iowa. Suppose we are in session. The FCC or the FTC, they are not authorized, so he sends a rescission up. We cannot act in 10 days. What do you do, just shut down the agencies?

Mr. PANETTA. I think what this requires is that we vote on that package. It also requires the Appropriations Committee to submit a substitute. That is what we do now.

I do not see any problem, frankly, in requiring a vote on the President's package. He at the very least deserves that vote. If we do not like what he does, let us vote it down.

Mr. SMITH of Iowa. So we cannot change and increase his package, that is what we have been doing all these years.

Mr. PANETTA. You have increased the rescissions, to your credit.

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

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, when it comes to spending tax dollars, the American taxpayers are demanding accountability. They want to know how their money is spent and they want to know why their money is being spent and they want to know who is spending their money. The taxpayers have a fundamental right to this information, and that is what this legislation is all about.

With the passage of H.R. 2614, the President will be able to rescind a part of an appropriation bill and require the Congress to vote on the specific proposal that the President has rescinded.

I support giving the President this authority, because I believe that every appropriated tax dollar should be done in the open with full public debate. If we in this body, if Members of Congress cannot justify any request that we make of the Treasury, then it should not be approved. That is what this legislation is all about.

The bottom line, with the passage of this bill we will find out if the line-item veto works. I happen to believe very strongly that this legislation will demonstrate that this can save the taxpayers a lot of money, Mr. Speaker. This is the way we should try it, find out if it works, without shifting tremendous power to the executive branch of the Government.

Mr. SABO. Mr. Speaker, does the gentleman from New York plan to yield time? The rest of us have yielded.

Mr. SOLOMON. The gentleman is asking a question that the gentleman knows is a little out of joint, because we thought we had an agreement where we would have the time divided equally. That is not the case, so I thought we would let the opposition get down to our level and then we will participate in the debate. That sounds fair to me.

□ 1950

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, a former Member of the House by the name of Jim Neeburk from Massachusetts said to a bunch of freshmen in the House one time; he said, "I understand your problem. You think this place is on the level."

Mr. Speaker, I want to make the point tonight that apparently some people think this debate is on the level, but it is not. I think everybody ought to vote for this because it does not mean anything. And I think we ought to leach all meaning out of this vote because it is a phony. It is a legislative phony, it is a political phony.

A speaker just said he thinks the taxpayers have a right to know exactly who is going to spend all of the appropriation money. Fine. What about all of the tax expenditures? What about the 128 specific tax increases that were voted for in this Congress last year at the request of George Bush?

I say to my colleagues, "If you follow Bush's own accounting system as he applies it to Bill Clinton, why should this only apply to appropriations? Why shouldn't we have an opportunity to have a vote on each and every one of those specific tax items? Every time a bill come out of the Ways and Means Committee, it's locked up like a drum. You can't get a vote on it. Why only appropriated items?"

This issue is not about spending. This issue is about power. The fact is that in Congress it has already been demonstrated that on appropriated items, on requests for rescissions, the Committee on Appropriations has already cut $2 billion more than we were asked to through the rescissions process going back to 1974. So, we have cut more than the amount that we have been asked to cut. We have just done it in a different way, and that does not suit the body at the other end of Pennsylvania Avenue.

Now I would like to make a couple of other points. I want to ask my colleagues this:

"When Lyndon Johnson was President of the United States, trying to ram the Vietnam war down Congress' throat in a sneaky way, in a back door way, how many of you would have had the guts to stand up to him on the Gulf of Tonkin Resolution if he had come to you and said, 'I'm sorry, I tell you, but, if you can't vote with me on the war, I'm sorry. I'm going to have to send down a specific proposal to rescind your program or your project.' You pass a proposal like this, and you give every President the opportunity to eliminate what little courage is left in this institution when it comes to establishing an independent foreign policy." My colleagues, we have a constitutional obligation to avoid that.

The other point I would simply make is this:

As I was saying earlier, this is not a real proposition. What people want to do is to be able to vote for this tonight knowing full well nothing is going to happen to it. I say to my colleagues, "It ain't going nowhere. You get a free vote."

Well, I do not believe that is a credible way to do the public's business either, and, if my colleagues want this baby considered, then consider it in a comprehensive package so that we have an opportunity to vote on tax items, not just appropriated items. That is the way to do it.

Second, I want to correct a misstatement made by the chairman of the Committee on the Budget. He said that the committee will have the authority, if they want, to change the rescissions sent down by the President. That is not true as we read it. As we read it, Mr. Speaker, if the committee reports a different proposition than that which is sent down by the President, then what happens is that the President is entitled to impound on any item until there is a specific vote on the House floor. That is an opportunity for any Executive to intimidate any Member of this body.

Mr. Speaker, I would say to the gentlemen on that side of the aisle, "Given the shape that your nominee is in these days, I'd be very worried about giving that power to a Democratic President. I'd be very worried about it because you're going to have a chance to operate under that system."

So, my advice to my colleagues is this vote does not mean beanbag. It is a political phony. If my colleagues want to pose for political holy pictures, go ahead and do it, but let us not pretend when the votes go up tomorrow that it is real.

I say to my colleagues, "I encourage all of you to vote for it. It's just like another phony motion to instruct on a conference report. When you want to be serious, when you want to give us a right to debate this with some time to analyze it so we know what is in it, when we have enough time to deal with it so that the Budget Committee chairman knows what's in it, then I'm happy to debate it."

Mr. Speaker, right now it is obvious there is confusion about what this means. It is a lousy way to legislate 2 days before the end of the session. This is the kind of idiocy we usually reserve for tax bills, and I just do not think we ought to do it.

In my view, vote for it. It does not mean beanbag. Vote for it. It does not mean beanbag. When my colleagues want to bring a real vote to us, fine, we will consider it. But give us an opportunity to amend, give us an opportunity to shape it so that we are doing what they are merely pretending that they are doing this evening.

Mr. SOLOMON. Mr. Speaker, I think it is time we got into the debate, and I yield myself 4 minutes.

Mr. Speaker, in answer to the previous speaker: I am so confident that George Bush is going to win this election and come from behind that I am going to support this legislation, the legislation that is a watered-down version of the line-item veto, but at least it is a step in the right direction.

I think there is sincerity on the part of both sides, and I particularly want to commend the gentleman from Delaware [Mr. CARPER] for his efforts, and the gentleman from Texas [Mr. STENHOLM], and the gentleman from Minnesota [Mr. PENNY] and others, and I comment the floor manager, the gentleman from South Carolina [Mr. DERRICK] also for holding the hearings that have helped lead to this day even though we have this watered-down version on the floor.

I also want to acknowledge the Speaker for at least scheduling this under the suspension rules for what I understand he has characterized as a symbolic vote, and I guess that was reemphasized by the previous speaker, the gentleman from Wisconsin [Mr. OBEY]. But I guess it is symbolic because the Speaker knows the bill will not make it through the other body, and that is really too bad. Had it not been for the Speaker's 13th hour conversion last Wednesday when the rule on the continuing appropriation resolution was about to be defeated, was trailing with a vote of 202 to 204, I believe we might have had an opportunity to consider a real line-item veto amendment to the CR, the continuing resolution, that day, and I had a letter indicating that the President of the United States would have signed that amendment into law, and we really would have had a line-item veto. Had that happened the President today could be exercising the line-item veto rescission authority over items in the appropriations bills we have been sending to the White House for the last several weeks now.

So, Mr. Speaker, I really do regret we are left today with little more than a symbolic vote, but since so much in politics is a matter of symbolism, I suppose we should milk this symbol for what it is worth.

For one thing, this vote symbolizes the continuing reluctance of the majority leadership to give us a real vote on a real line-item veto that will be signed into law, notwithstanding the clear support of an overwhelming majority of the American people. It also symbolizes the resistance of the majority leadership to heed even their own presidential candidate who has exercised the line-item veto as a Governor of Arkansas and who favors a line-item veto.

Yes, he might be the President. Let us give it to him.

Mr. Speaker, it also symbolizes just how out of touch the majority leadership is when the American people overwhelmingly, by 70 percent, support any President, whoever he might be, having this authority.

Mr. Speaker, I favor the bill before us today because it is an improvement over the current rescission process which is nothing more than just a copout. It lets us take no action whatsoever, and then nothing is done.

□ 2000

This bill does accelerate and compress the Congressional review period for proposed rescissions, and it ensures that we will have an opportunity to cast an up or down vote. It specifically prohibits amendments to these rescission proposals, and it also prohibits suspending those expedited procedures.

The bill before us as amended confines, and this is the important part, the President to rescinding no more than 25 percent of the budget authority for any authorized matter over the next 2 years, 25 percent of any authorized program.

Mr. Speaker, I have sent a colleague letter to every Member in which I indicated my support for this bill. But I also made it clear in that letter that if this bill does not pass this House and does not pass the Senate as well in the next couple of days, I will renew my efforts to attach a true line-item veto to whatever continuing resolution is out there on the last day.

Mr. Speaker, I urge support for the resolution, and I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in strong support of H.R. 2164, the expedited rescission bill. I want to commend my colleague TOM CARPER for his efforts in bringing this bill to the floor today. He has worked tirelessly to put together a bipartisan consensus behind a compromise bill that improves the ability of Congress and the President to review questionable spending without disturbing the balance of power between the two branches.

I have concerns that a line-item veto with a two-third vote to override could give the President authority to write appropriations bills with the support of only one-third plus one of Congress. I do not want to give this type of power to any President.

Mr. Speaker, I would like to try to answer some of the questions of the gentleman from Wisconsin [Mr. OBEY] just a moment ago.

As far as to the complaint of brining this up at this hour, it is not our fault. We worked at this for the last several months to try to have this considered in the duly elective process, and we failed.

I would also point out to my colleagues we worked awfully hard to get a balanced budget constitutional amendment. We lost. The day after we went to work in the regular process, many of the same folks arguing against this said do it in the regular legislative process. We passed a bill out of the Committee on the Budget. It was referred to other committees and it died, because we did not want to consider it.

The gentleman from Kansas [Mr. SLATTERY] a moment ago talked about accountability. That is what we are talking about.

The gentleman from Wisconsin [Mr. OBEY] and the other appropriators who are concerned about this coming from the President, all you have to do is propose a separate appropriation rescission bill. And if in the wisdom of this body right here the majority agree with you and not the President, we will vote for it. That is all we are trying to do, is we are trying to get a majority vote of the will of the House, not a majority of the will of the Committee on Appropriations on an appropriations bill.

To my colleague who a moment ago said why don't we bring a separate bill on taxes and entitlements? Bring it. Bring it. I will support it enthusiastically. That is exactly what we need to be doing, bringing accountability to this body, and stop this endless blaming between the President and the Congress regarding who is doing what.

The gentleman from Kentucky very accurately stated the work of the Committee on Appropriations. None of us are concerned about that. It is the total work of this body collectively, and the other end of Pennsylvania Avenue, that we are concerned about, and we believe this modified rescission order process brings accountability to both ends of Pennsylvania Avenue and deals with the top three problems of our Nation: the deficit, the deficit, and the deficit.

That is what we are talking about. Not placing blame. We are talking about an expedited rescission bill to be tried for 2 years. If it does not work. change it to where it will.

Unlike the line-item veto, expedited rescission proposals preserve the power of congressional majorities to control spending decisions. Expedited rescission does not give the President undue leverage in the appropriations process because funding for the program will continue if a simple majority of either House disagree with him.

This bill will not change the balance of powers between the branches, but will increase the accountability of both branches. No longer will a President be able to escape responsibility for government spending by simply blaming Congress for giving him a choice between accepting wasteful spending or shutting down parts of the government by vetoing an entire appropriations bill. No longer will a President be able to hide behind antispending rhetoric without taking action. This bill says to the President: If you are serious about cutting spending, provide leadership by making reasonable recommendations of spending to cut and convince a majority of Congress that the spending should be eliminated.

This bill will also increase the ability of this body to review individual spending programs. As we all know, the fact that a program was included in a larger appropriations bill that was passed does not in any way mean that the majority of Congress approved of that program. For example, when Congress passed the agricultural and rural development appropriations bill in 1990, the majority of the Members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in a omnibus appropriation bill is a reasonable response to realities of the legislative process.

Again, I urge my colleagues to support this small, reasonable reform of the spending process.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I just take this time to point out we are not just talking about projects that some people like to call pork barrel projects. We are talking about whole departments.

For the last several years, for example, the Presidents have sent up budgets that zeroed out Amtrak. They sent up budgets that zeroed out the Legal Services Administration, EDA, Juvenile Justice, a number of whole programs.

Now, if you do not want Amtrak, you can vote against it in the appropriations bill. But after we have passed the appropriations bill under this process, the President could send up a rescission for Amtrak and you have to go through another whole process or stop the trains, I guess.

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

Mr. SMITH of Iowa. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Chairman, I would ask, under the provisions of this bill, if the President signs in this case a transportation appropriations bill, sends back a rescission to eliminate funding for Amtrak, all we do in the House of Representatives is vote up or down. If a simple majority of us want to restore funding to Amtrak, we simply vote a simple majority. Not two-thirds, but a simple majority.

Mr. SMITH of Iowa. Mr. Speaker, Reclaiming my time, as I understand it you have to defeat the President's proposal within 10 days. If you cannot get it within 10 days, it is impounded and the trains might stop, period, right there, until you can get positive action. Is that not right?

Mr. CARPER. Mr. Speaker, if the gentleman will continue to yield, the idea is to compel the House and the Senate to vote.

Mr. SMITH of Iowa. Reclaiming my time, the idea as I get it is to send all the power down to the other end of Pennsylvania Avenue. He can stop the trains in spite of the fact that every district in this country may want a program. This does not just balance up the power; this puts way too much power down at the other end of Pennsylvania Avenue.

Mr. CARPER. If the gentleman will yield further, if we required a two-thirds vote, a two-thirds majority in the House and in the Senate to overturn a President's rescission, I would agree with you. We do not do that here. A simple majority in either the House or the Senate defeats the President's rescission.

Mr. SMITH of Iowa. Mr. Speaker, reclaiming my time, we are not just talking about a few projects, we are talking about whole programs and departments.

The SPEAKER pro tempore [Mr. MAZZOLI]. The Chair wishes to announce that the gentleman from South Carolina (Mr. DERRICK) has 3 minutes remaining, the gentleman from Minnesota [Mr. SABO] has 7 minutes remaining, and the gentleman from New York [Mr. SOLOMON], has 6 minutes remaining.

Mr. SOLOMON. MR. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL], the chairman of our Pork Busters Task Force.

Mr. FAWELL. Mr. Speaker, I commend my colleagues on the other side of the aisle who are sponsoring this bill. I know that the gentleman from Delaware [Mr. CARPER], the gentlewoman from South Carolina [Mrs. PATTERSON], the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and others have been laboring consistently and quietly and trying to do everything possible to see that there is some opportunity to have at least a very modified, enhanced rescission bill. Certainly I look upon this as a relatively weak bill, but it is at least the first step of a 1,000-mile journey toward hopefully someday being able to help us to balance the Federal budget.

Once again, I hear those who are still lamenting, some I hear now, in regard to the passage of any type of line-item veto legislation; the latest defense is we are posing for holy pictures, that this cannot go through, that it is only symbolic; it seems to me the Congress is very petrified about the President having any real bipartisan participation or any kind of participation in the appropriation process. Yet I hear from your side of the aisle continuously that the President is 1,000 percent responsible for all of this Nation's debt and deficit and so forth and so on.

Well, if the President is so responsible for the debt and the deficit—and the debt is now $4 trillion, and the Federal Government pays $300 billion a year just to pay interest on it—then at least do you not think he ought not to be able to have just a little bit of an opportunity to play some part in the appropriation process which results in so much overspending; to suggest to

this body that there are certain appropriations identified by line item that constitute wasteful or unnecessary spending which must be bundled in one rescission message? To me that is asking so very, very little. With a simple majority vote, you can turn the President back.

I think the fear that this body has that the President or Pennsylvania Avenue may have, under this bill, extraordinary powers is absurd. They are protecting their own special interests. Their fear is misplaced. Their fear ought to be in regard to the growing national debt and the annual deficits that we are piling onto our children and our grandchildren to ultimately pay. We resist like an alcoholic anything that would modify any of Congress' power to spend. Congress is like an alcoholic being denied his power to drink himself to death. Congress feels it has got to continue to imbibe in overspending.

One of these days I expect somebody over there will snap and say "Stop me before I spend again."

This bill is such a mild suggestion, that maybe this monstrous turnabout that Congress must go through can begin by just this little bit of a turn—now.

It is not asking very much. We are not talking only about pork, as the gentleman from Iowa [Mr. SMITH] did say. I would agree with the gentleman there. We are talking about being able to take the first toddling step to save this Nation from the senseless, profligate overspending that just seems to go on and on and on. We resist like an alcoholic, I repeat, even the mildest of medicine.

□ 2010

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

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

In light of the previous comment, I would simply like to make this point: No Congress since Harry Truman has ever been able to change any President's budget by more than 3 percent. So let us not suggest that somehow Congress is responsible for those deficits.

The Congress has rolled through the budgets that every President has asked for virtually untouched. The problem is not that the Congress has stood up to Presidents; the problem is that they have not.

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

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, here is the opportunity. We have not been successful. We have an opportunity now to join in a bipartisan effort to do some cutting. We are in control. A simple majority will stop the President from doing this.

Mr. OBEY. Mr. Speaker, with all due respect, we have done the cutting. We have done more cutting than the President has asked for. We are simply trying to maintain the integrity of the process.

Mr. FAWELL. Mr. Speaker, if the gentleman will continue to yield, we have not done the cutting that people are asking for. We cannot compare ourselves to the President. We must compare ourselves to what the people expect of us.

Mr. OBEY. Mr. Speaker, this does not do anything about that.

Mr. FAWELL. Mr. Speaker, it gives us the opportunity; the opportunity is there, if we want to take it.

Mr. OBEY. Mr. Speaker, it is a phoney opportunity.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, today we have an opportunity to bring honesty and accountability to the Federal budget process. I rise in strong support of H.R. 2164.

First, I must commend my colleagues Mr. CARPER, Mr. STENHOLM, Mr. JOHNSON, and my friends across the aisle. Because of this bipartisan, cooperative approach, we are able to stand here together and craft worthy public policy. This bill that we support today gives the President and the Congress the opportunity to cut wasteful spending.

Over the past several months, we have heard much discussion on what language a line-item rescission bill, a statutory line-item veto bill, should contain. This open debate has been useful in bringing the issues of wasteful spending to the forefront. But the time to act is now.

This bill in no way diminishes either the President's or the Congress' current authority. It sets out the guidelines for expedited line-item rescissions, and requires a vote on the proposed rescissions.

H.R. 2164 makes sense. Within 3 days of signing an appropriations bill, the President may submit a rescission proposal to Congress. The President may line-item out 100 percent of unauthorized programs, and 25 percent of authorized programs. Within 10 days, Congress has to vote on the rescission message. The funds are not spent until Congress votes. Finally, this bill sunsets in 2 years.

Some will say that this is not strong enough; that the rescission should take effect unless Congress disapproves it. The fundamental denominator is that there will be a vote on what the President decides to line-item out. The importance of this was highlighted by President Bush in his Budget for the United States Government for Fiscal Year 1993, where he supported "legislation to enhance the existing rescission procedures by requiring an up-or-down vote in Congress on Presidential rescission proposals."

Some will think that this gives the President too much authority. However, H.R. 2164 does not surrender the power of the purse to the executive branch. Under this bill, Congress must approve the rescission.

With a $352 billion deficit, and a $4 trillion debt, we cannot afford to ignore any suggestions for spending cuts. While this bill will not cure our financial ills, it will provide us with a tool to help reduce the deficit.

H.R. 2164 has been cosponsored by 226 Members of the House, both Republicans and Democrats. We are doing something right. This bill is also supported by Citizens Against Government Waste, Citizens for a Sound Economy, the National Taxpayers Union, National Association of Manufacturers, the National Grange, the Helicopter Association International, the National Independent Dairy Foods Association, and the U.S. Business and Industrial Council.

I strongly urge my colleagues to support H.R. 2164.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair advises that the gentleman from Minnesota [Mr. SABO] has 6 minutes remaining, the gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 2 minutes remaining.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am always sort of intrigued by these discussions. It always leaves me a little bewildered at times, as a member of the Committee on Appropriations, on what we should be doing, particularly whenever I hear from Members who would appear to say that we should not be appropriating for unauthorized programs, and then we get letters from those same Members thanking us for the dollars that were appropriated to the unauthorized programs. At times I wonder why they ask for it, say "Thank you", and then complain about appropriating for unauthorized programs.

Maybe the gentleman from Delaware can explain it. Let us be clear about one thing here. We are talking about trying to fix a process that is not broken and pretending we are doing something.

Since 1974, Presidents have requested approximately $69 billion in rescissions. The Congress has approved $71 billion of rescissions, $2 billion more. Just this year, 1992, the President requested about $7.9 billion of rescissions. The Congress rescinded $8.2 billion in one bill alone.

So if my colleagues think the issue is the discussion of the deficit and spending, it is not. It is just simply that some Members do not like the fact that the power exists in the Congress to take the appropriate recommendations

of a President, consider them and, in many instances, modify them.

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

Mr. SABO. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I do want to point out that the rescissions this year were brought about by the Presidential rescissions, and for the first time we actually went ahead and those were filed. And there was a bipartisan coming together.

Mr. SABO. Mr. Speaker, is the gentleman from Illinois suggesting this is the first time the Congress has responded to a request by the President and passed rescissions?

Mr. FAWELL. Mr. Speaker, if the gentleman will continue to yield, I am pointing out that this year that was the case and that previous years, as a practical matter, most of the rescissions were rescissions that would have been given anyway because they had lapsed and they were rescissions that did not hurt at all.

The Presidential rescissions, when he makes those requests, we hardly ever specifically rescind what he is asking for.

Mr. SABO. Mr. Speaker, since 1974, rescissions of $69 billion were requested by the President, and $71 billion was rescinded by the Congress. It is clear that the issue involved here is not the deficit. It is not spending. It is about a little bit of power between this branch and the executive.

Fundamentally and most important, it is pretending we are doing something, before an election, on a major national problem, when, in fact, we are doing nothing.

The only thing we are doing is sort of tilting the power to the President from the Congress. Why we want to do that for a process that is not broken is beyond me.

Let us have our good time. Let us pretend we are doing something, as we do on many other things. Vote as one wants to vote. It is not going to do anything to deal with the deficit problem. It is not going to fundamentally change the spending patterns in this country.

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

Mr. SABO. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, to discredit this effort, as the gentleman is doing, I think requires a response of him to this question also on the budget process: Since 1974, this body has waived that Budget Act 630 times through March 1 of this year.

Mr. SABO. Mr. Speaker, let me respond. I do not know what the relevance of that is. We waive it for all kinds of purposes.

Mr. STENHOLM. Mr. Speaker, that is the point.

Mr. SABO. Sometimes we have not passed a budget resolution. Sometimes there are basic ongoing programs that have never been reauthorized. Whatever the reason, it is not the fault of Appropriations which, in total, are usually under the President.

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

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I want to give my colleagues an example of how the President can use this to expand spending. I have cut the President's foreign aid budget by $1.2 billion. We give him this authority, he is going to be able to come to me or any other chairman and say, "Hey, if you don't lay off my foreign budget, if you don't lay off my favorite spending program, I am going to embarrass the hell out of you on whatever you want done most."

It gives the President that kind of power, and that means we give him the power to leverage spending up, not down. I do not think that is a very smart thing to do.

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

Mr. SABO. Mr. Speaker, we were very happy we were able to accommodate the gentleman in appropriations bills this year. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Speaker, let me just say, what we really want to do is we had a procedure that worked this year where the President sent a rescission package to the House. We voted. We did not change it. We voted up or down on it, simple majority. We defeated it.

The appropriators themselves prepared their own package that I think better reflected certainly the priorities of our caucus. We voted on it up or down, and we approved it.

Mr. SABO. So the process worked.

Mr. CARPER. Mr. Speaker, if the gentleman will continue to yield, we would like to make that, with this legislation at least, for the next 2 years, the way it works every time.

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Mr. SABO. Mr. Speaker, I would say to the gentleman, we have made different choices over the years, since 1974. Collectively we have passed $2 billion more in rescissions than Presidents have asked.

Mr. CARPER. Would the gentleman yield?

Mr. SABO. I can understand why a potential Governor might like this. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Speaker, those of us who crafted this proposal liked the way it worked this year. We simply would like to try it for 2 years.

Mr. SOLOMON. Mr. Speaker, I am very proud to yield 2 minutes to the gentleman from California [Mr. DREIER], a very distinguished member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, we have been talking about the 1974 Budget Impoundment Act. Eighteen years ago we saw the President's rescission authority weakened. Since that time there have been 564 rescissions which have basically been ignored by this Congress.

I have to say, Mr. Speaker, that it is important for us to recognize that the gentleman from Minnesota and the gentleman from Wisconsin, my friend, are right. This is not the line item veto. The American people are out there telling me when I am at home, and I know are saying to friends on both sides of the aisle, "We need to implement the line item veto so the President can have the same power that 43 Governors in this country have, the ability to look at a massive appropriations bill," which this institution sends down to his desk and say, "Sign it or veto it." He is given that choice.

The line item veto authority would give the President the opportunity to blue pencil out certain wasteful pork barrel spending programs. That is what the gentleman from New York [Mr. SOLOMON] wants to see us give the President.

My friends on the other side of the aisle are absolutely right, this is not that authority. It is a very small step. The gentleman from Wisconsin [Mr. OBEY] says that it is nothing. I would like to think that this is something, so I do not want our colleagues to believe for a moment that we are in any way implementing that line-item veto authority.

I have heard a number of speeches here from the well and over the past several weeks which might lead constituents to believe that those who are strongly supporting this compromise, and I congratulate my friends on the other side of the aisle who have made an attempt to try and compromise on this, but frankly, I think it is a very poor compromise. I do not believe for a second that it gets at the root of the problem.

Plenty of speeches could be made here in support of this measure saying, "We are implementing what the American people want," and tragically, Mr. Speaker, it is a long way from what the American people want.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] has the right to close, and the gentleman from Minnesota [Mr. SABO] has no time remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself the remainder of our time.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 minute.

Mr. SOLOMON. Mr. Speaker, one of the previous speakers made a statement that the process is not broke.

Well, if it ain't broke, how did we get ourselves in this sea of red ink that is just drowning this Nation? I again have to commend the gentleman from Delaware [Mr. CARPER]. He is a most distinguished Member, and I hope he goes on to great success when he leaves us. We are going to miss him.

I commend the gentleman from Texas [Mr. STENHOLM] and the gentleman from Minnesota [Mr. PENNY] and the gentlewoman from South Carolina [Mrs. PATTERSON] and all of the Republicans on this side almost unanimously who support a line-item veto. I am just sorry that this is not the line-item veto.

I want everybody to vote for this bill. It is a step in the right direction, but I want to put everybody on notice that if we are being sandbagged and if some kind of deal has been made over in that other body where there is a bird over there named BYRD, and this bill is going no place over there, I am going to tell the Members, there are going to be problems. We are going to attach a true line-item veto to the last CR of the day that we are going to be here on Monday or Tuesday, and we are going to have, finally, a true line-item veto up or down vote.

I do thank the gentleman from Delaware [Mr. CARPER] for all of his efforts, and we hope this bill successfully passes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMP.

The SPEAKER pro tempore. The Chair would advise the Members to be cautious in their reference to Members of the other body and to follow the House rules.

Mr. SOLOMON. Mr. Speaker, I apologize.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 2 minutes to close debate.

Mr. DERRICK. Mr. Speaker, I yield the balance of my time, 2 minutes, to the distinguished gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, let me begin simply by yielding to the gentleman from Minnesota.

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

Mr. Speaker, this proposal could be described as a line-item veto with a majority override. I think it is a good step, and I urge its adoption.

Mr. SPEAKER, I rise in support of H.R. 2164, the Expedited Consideration of Rescissions Act introduced by our colleague TOM CARPER. I want to commend the gentleman from Delaware for his leadership in doggedly pursuing this legislation. I want to also thank the other principals who have pushed for passage of this measure: LIZ PATTERSON, TIM JOHNSON, CHARLIE STENHOLM, JERRY SOLOMON, and DICK ARMEY. Only their diligent work has brought us to this point.

This bill would amend the 1974 Budget Act to establish a process to expeditiously consider Presidential rescissions. After signing an appropriations bill into law, the President would have 3 calendar days to submit to the House a recession message containing all rescissions proposed related to the bill just signed. Under the terms of H.R. 2164, the President is authorized to rescind up to 100 percent of unauthorized appropriations and up to 25 percent of authorized appropriations. The bill would be referred to the appropriations panels in both the House and Senate. The committees cannot substantively amend the bill and must report it within 7 calendar days to the House. Within 10 calendar days of introduction, the House must then vote on the resolution, which is debated for a total of 4 hours and cannot be amended. If a majority of the House votes to approve the resolution, it is sent to the Senate, where a process begins similar to that followed by the House.

If a simple majority in either the House of Senate does not vote to approve the resolution, the rescissions are rejected. But the important point is that we will finally face votes on rescissions. The authors of special interest provisions tucked away in spending bills will have to defend their actions and if a project or projects survive a vote, only then would it go forward. I firmly believe that more times than not, unauthorized and wasteful spending will not survive the light of day and a vote by the Congress.

Some will argue that this legislation transfers too much power to the President. That is simply not the case. Under the legislation, no rescissions go forward unless approved by the Congress. Furthermore, the bill sunsets after just 2 years, so if this is not a workable process, we can review it of let it expire.

This measure, Mr. Speaker and colleagues, is a very modest attempt to put in place a workable process to handle Presidential rescissions. This might be described as line-item veto subject to a majority override in Congress. Frankly, I would support broader line-item veto authority for the President. But this measure is a good start and it deserves the support of every Member concerned about the runaway national debt and our children's future. I urge adoption of H.R. 2164.

Mr. CARPER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. I thank the gentleman for yielding to me, and I commend him for his leadership. I rise in strong support of H.R. 2164.

Expedited rescission, as contained in this legislation gives the Congress and the administration a crucial tool in the fight to restore accountability and responsibility to the budget process. We've talked about the need to eliminate wasteful spending. Now we have a way to do it.

H.R. 2164 allows the President to submit one rescission bill per appropriations bill. The President may propose cuts of up to 25 percent in authorized programs; unauthorized programs may be cut up to 100 percent. A majority in either body may reject the proposed rescission. And, we may offer an alternative rescission package to the one offered by the President.

We need this reform. Expedited rescission was considered at the 1990 Budget Summit but not included in the final package. It is past time to make it part of our budget process. Expedited rescission requires us to establish and follow priorities when we spend taxpayers' money. It gives Congress authority to eliminate programs we don't need and can't afford. It will help restore confidence that Congress can discipline itself to spend wisely.

During recent Budget Committee hearings on the state of the economy, three prominent economists all agreed that the best long-term strategy for economic growth is deficit reduction. Expedited rescission alone will not eliminate the deficit. But it will allow us to take aim at the parts of the budget that most need to be cut. Passage of this expedited rescission package sends a clear signal: We are serious about deficit reduction.

I urge all my colleagues to cast their vote for H.R. 2164.

Mr. CARPER. Mr. Speaker, I want to express my gratitude to the Speaker for making it possible for us to debate this measure here this evening and to vote on it. I want to express my gratitude to the gentleman from South Carolina [Mr. DERRICK] for holding the hearing.

For those who have spoken here tonight and have criticized this legislation, I wish they might have been here, and I think they would have heard speaker after speaker, witness after witness, saying there may be some value to expediting rescission powers and urging its adoption.

I want to acknowledge particularly those who coauthored this legislation, the gentlewoman from South Carolina [Mrs. PATTERSON], the gentleman from South Dakota [Mr. JOHNSON], the gentleman from Kansas [Mr. GLICKMAN], the gentleman from Texas [Mr. ARMEY], the gentleman from New York [Mr. SOLOMON], and former Congresswoman Lynn Martin.

Mr. Speaker, let me just say we have witnessed here tonight one of the primary reasons why we need to take a modest step, as this legislation represents. This is a war of words. It has gone on between the executive branch and the legislative branch with regard to rescissions and line item veto powers for years. Presidents say, "We send rescissions. You never vote for them." Congressmen say, "We rescind all the time and it does not amount to anything."

Let us end that kind of debate once and for all, and let the President know that when he sends a rescission message to this Congress, he is shooting with real bullets. We want to make the President accountable, and we want to make ourselves accountable.

This legislation before us has strong bipartisan support. Over half of the House of Representatives has cosponsored it, an equal number of Democrats and Republicans. It is supported by the Speaker, by the administration, and it is supported by the nominee of our party.

It represents incremental change, not a sea of change in terms of power, but

incremental change. It is constitutional. It strengthens the authorization process. It provides value for the authorization process. It assures speedy action with respect to Presidential rescissions. They do not drag out for weeks or months, but we act on them in a speedy way. We minimize uncertainty. We do it for 2 years, a 2-year test drive.

Again, I would urge the adoption of this measure.

Mr. ANDREWS of Texas. Mr. Speaker, I rise in strong support of H.R. 2164, the expedited rescission proposal sponsored by Congressman CARPER.

I came to Congress very much opposed to the line-item veto. I have always believed that it would shift far too much power and leverage to the President, unfairly tilting the system of checks and balances between the legislative and the executive branches.

It is no surprise that John F. Kennedy, Jimmy Carter, Ronald Reagan, and George Bush and Bill Clinton have all voiced support for the line-item veto. Can you imagine how a President like Lyndon Johnson could use this provision to his advantage?

President Bush's line-item veto proposal, for example, would effectively shift the congressional power of the purse to the executive branch, allowing for the deletion of any item in any spending proposal and requiring a two-thirds majority vote by the Congress to override the President's veto.

Yet the ability to eliminate wasteful and unjustifiable programs from a large spending bill is attractive. As Nikita Kruschev once said:

"Politicians are the same everywhere * * * they will build a bridge where there is no river."

Last year's highway authorization bill is a case in point. This bill allocated 35 percent of the $6.5 billion in Federal highway funds available for demonstration projects to only five States, including funding for the following programs: $35 million for a monorail in Altoona; $1.6 million for a state-of-the-art technology project to control rock slides in Lewistown; and $14.2 million to elevate 14 bridges over Molly Ann's Brook.

I am a cosponsor of the expedited rescission proposal because this bill maintains our governmental system of checks and balances while also increasing the accountability of both the executive and legislative branches for reducing the deficit.

The expedited rescission proposal restores accountability to Federal spending practices by allowing the President, with the approval of the Congress, to rescind funding for those programs that are slipped into appropriations bills—such as the renovation of Lawrence Welk's home—without the prior authorization of the Congress.

This bill adds to current law by providing a mechanism for the expedited consideration of those proposed Presidential rescissions that meet its specific criteria, without shifting the balance of power to the President by requiring only a simple majority vote by the Congress to approve or defeat the proposed rescissions.

And lastly, this bill is binding only for 2 years—if it fails to increase spending accountability or has unforeseen consequences, the expedited rescission can be improved or repealed altogether. As I see it, this is one tool to restore fiscal accountability that the Congress cannot afford to pass by.

Mr. GLICKMAN. Mr. Speaker, as you know, the Impoundment Control Act of 1974 established rules to allow the President to rescind funding amounts in appropriations bills with congressional approval. The purpose was to give the President additional authority to check spending. However, the current law is flawed because it does not require congressional consideration of the Presidential rescission messages. If Congress does not approve the rescissions within 45 days, the money is automatically released for use.

There have been very few votes on Presidential rescission messages. I do not believe this process was what Congress intended when it originally passed the law. In the minds of many, the only way to fix the law is to pass a line-item veto amendment. I believe to do that would be a serious breach in the balance of power between the executive and legislative branches as set out in the Constitution. To pass a line-item veto amendment would constitute a major shift of power to the President, something our Founding Fathers clearly wanted to avoid when they gave the power to appropriate money to the Congress.

However, the fact remains that in the eyes of the American people, Congress has proven incapable of taking the budget deficit seriously by refusing to cut spending and by constantly loading down appropriations bills with pork barrel projects. I have heard from hundreds of constituents demanding that the President be given the line-item veto to check congressional excess.

I think a far better, and constitutionally sounder, approach to giving the President more authority to cut spending would be to adopt an expedited rescission policy like the Carper bill. Unlike current law, the Carper bill requires Congress to vote on the President's rescission message within a specified time period. If either body fails to do so, the funds will remain impounded until Congress acts to defeat the President's rescission bill.

Requiring Congress to take the President's spending recommendations seriously will bring some much needed accountability to the appropriations process. Too often, appropriations conference reports arrive in the House loaded down with hometown goodies that were not authorized by either body, forcing Members to choose between voting to fund much needed domestic and defense programs and voting against blatant pork barrel spending. Who can forget the Lawrence Welk fiasco?

Under the Carper bill, both the President and the Congress would have to take responsibility for their spending decisions. Currently, the President can mask the true size of his budget proposals by suggesting spending cuts in all sorts of areas he knows not even members of his own party would support. He doesn't have to worry though, because he knows Congress will never vote on them. So, he can continue to accuse Congress of wasteful spending by ignoring his own proposals. Under the Carper bill, the President will have to consider every rescission choice seriously because Congress will have to vote on them.

Similarly, Members will have to make tough choices about the type of spending they will support. This will put every Member on record showing their level of commitment to unauthorized, pork barrel appropriations or true deficit reduction.

Mr. Speaker, it is past time to put accountability back into the budget process. An expedited rescission policy would ensure that Congress and the President pay more than just lip service to cutting spending. With such a law, we could get on with the serious business of reducing the deficit and the national debt. The American people expect it and deserve it. Vote yes on the Carper bill.

Mr. CONYERS. Mr. Speaker, as chairman of the committee of jurisdiction, I must rise in opposition to H.R. 2164.

This bill affects substantial changes in the timing and scope of Presidential rescissions, and amends the process through which the Congress agrees to or rejects such actions.

Although rule X(1)(j)(1) grants legislative jurisdiction to the Committee on Government Operations over "[b]udget and accounting measures, other than appropriations," H.R. 2164 is being placed before the House under suspension of the rules without going through regular and normal legislative proceedings before our committee.

There has not been one hearing on this measure. H.R. 2164 has not been considered by any Subcommittee of Government Operations. It has not been marked up at either the subcommittee or the full committee level of Government Operations. Nor has any report on this legislation been filed with the House by the Committee on Government Operations.

Yet the House of Representatives is nonetheless going to consider this legislation, which drastically alters the system of checks and balances between the executive and legislative branches of Government.

In addition, on the merits, H.R. 2164 has a number of defects, which should counsel this body to reject it.

First, this bill is based on a false premise—that Presidential rescissions promote greater spending restraint. As a matter of historic fact, it is the Congress, not the President that has led the way in rescissions—nearly $50 billion has been rescinded at the initiation of the Congress, while only $21 billion has been rescinded at the President's request.

Second, H.R. 2164 limits rescissions to 25 percent of appropriated amounts, but only for programs authorized by law. For programs that operate without express statutory authorization, there is no 25-percent limitation. Thus, unlimited Presidential rescissions could affect whole departments such as the Department of Energy, the Department of Justice, the Federal Trade Commission, the Federal Emergency Management Administration, the Nuclear Regulatory Commission, and the Securities and Exchange Commission. This is a matter of grave concern that should be subject to committee review, at a minimum.

Finally, H.R. 2164 opens a potential floodgate that could paralyze the legislative process. The bill establishes extremely short time frames for legislative action on proposed Presidential rescissions. By flooding the Congress with rescission proposals, the President could effectively dictate the legislative agenda. Such a change surrenders congressional prerogatives to the President.

In sum, H.R. 2164 is unwise legislation. I do not believe that the Committee on Government Operations would look with favor on this proposal. I urge my colleagues to defeat this bill.

Mr. SWETT. Mr. Speaker, I rise in strong support of H.R. 2164, and I commend my colleague Mr. CARPER for his leadership in getting this important reform to the floor of this House.

I am one of the bill's 225 cosponsors. I am also one of those who support giving the President full line-item veto authority, and so in that sense it is true that—if it were up to me alone—we would go further than H.R. 2164 will take us today.

But I am nonetheless very proud to support this legislation as a first step in the budget reform process. It will help give our Government one of the tools it will need to grapple successfully with our budget problems. This is a balanced measure; it is a temporary measure. In my judgment, it does not unduly compromise the authority or prerogatives of this body.

The fiscal crisis we face requires new approaches; it requires a willingness to explore different policy avenues in the hope of making progress. We should not be afraid to avail ourselves of new tools and options. Clearly, our budget process is broken, and it does need fixing. Surely that cannot be denied. Why then should we not press forward and—on a trial basis—see if this rescission measure helps. It may not. If so, we have lost nothing, and the legislation will sunset at the end of the next Congress. But if it does help—and I think it will—our constituents and our posterity will thank us for the action we take in approving H.R. 2164.

Mr. Speaker, I strongly urge my colleagues to support this bill. Support it—even if you want a full line-item veto bill—because it's a first, grand step toward that more distant goal. Support it—if you don't support an outright line-item veto—because, if this works, we'll never need a line-item veto. But, either way, please support it.

Mr. CARPER and others have won us this opportunity to match our legislative actions to our words. We dare not waste it. I urge my colleagues to join with me in support of H.R. 2164.

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues today to express my strong support for H.R. 2164, the Expedited Consideration of Proposed Rescissions Act of 1992. As a cosponsor of this legislation and a supporter of the Balanced Budget Act, I believe it is critical that we embark on a solid plan to reduce the Federal budget deficit.

It is clearly time for this legislation. We must make both the President and the Congress accountable for spending decisions. I do not think that there is anyone in this body who disagrees with the need to reduce the Federal budget deficit. However, it is difficult to make the tough decisions that will negatively affect people all over the country.

I believe implementing the Expedited Consideration of the Proposed Rescission Act of 1992 will go a long way in bringing our fiscal house in order. This legislation will strengthen accountability in the budget process while preserving the balance of power between the legislative and executive branches. If enacted, H.R. 2164 would allow the President to submit one rescission bill per appropriations bill. In it, the President could reduce unauthorized programs as much as 100 percent and authorized programs as much as 25 percent. Congress would then vote on the President's bill, without amendment. Only a majority, in either body, would be needed to defeat the proposed rescission. Members would be free to introduce alternative rescission bills as well.

Mr. Speaker, as elected public servants, we must be accountable to the people we represent here in Congress. We also must be accountable to the future generations of this country. It is simply unfair to saddle this kind of debt on our children. We must begin to reduce the Federal budget deficit now. Tough choices won't be any easier or any less painful tomorrow than they are today. It is critical that we approve H.R. 2164 and that it be enacted into law expeditiously.

I urge my colleagues to join me today in supporting this enhanced rescission measure. It is timely, it is needed, and it represents good sound policy.

Mr. ROWLAND. Mr. Speaker, in spite of record-high deficits, the Federal Government continues to spend taxpayers' dollars on such things as Belgian endive research and the mating habits of the Japanese quail. No wonder people are so angry. They believe Washington wantonly wastes their money and then imposes more burdens on them to cover the waste. It may not be accurate to blame the Federal budget deficits entirely on pork barrel spending. But nonessential spending has, in fact, played a significant part.

Earlier this session, we in the House of Representatives had an opportunity to do something truly decisive about the budget deficits by enacting the balanced budget amendment. Some critics said this would not be as much of a panacea as its proponents claimed. But it was certainly the strongest budgetary discipline proposed so far. Sadly, it failed by 10 votes.

Today, we have another opportunity to do something about wasteful spending—enact a new procedure for line-item rescissions.

As everyone here knows, rank-and-file Members of the House rarely have an opportunity to debate separate items in the budget that may fit the definition of "pork." The rules seldom permit it. This measure offers us a chance to deal openly with these budgetary items. If we believe an item is worthwhile, this bill gives us an opportunity to keep it in the budget. If an item is shown to be wasteful, we can strike it out. For the first time, pork barrel spending can be addressed in the full light of public scrutiny. This is my understanding of how our representative system of government is supposed to work.

Mr. Speaker, this bill is certainly not the ultimate answer to budget deficits. Eventually, I believe we will have to enact the balanced budget amendment. But it is a big step in the right direction. The House has too often failed to move forward on deficit reduction. Let us not fail again.

Mrs. LLOYD. Mr. Speaker, I rise today in the name of fiscal accountability and responsibility and in the strongest support for the H.R. 2164, the expedited rescission bill.

The gentleman from Delaware [Mr. CARPER] has done an outstanding job in steering this issue through this Congress and I commend him for getting it to the floor before we adjourn. This is an excellent accomplishment for the gentleman to leave us with when he leaves Congress at the end of this session. His dedication will be missed.

Mr. Speaker, H.R. 2164 is not the line-item veto, but it is a more workable proposal for fiscal responsibility for both the Congress and the President. In demanding that Congress go on record in support or disapproval of each rescission package submitted by the President, we are forced to answer for our spending habits. It prompts us to look closely at each rescission bill, make sure projects important to our own Districts are not jeopardized, and vote accordingly.

At the same time, the President, who also wants to appear fiscally conservative, is encouraged to develop fair and workable rescission packages if he is serious about getting them approved.

The time constraints put on the entire process are fair and demand efficient and timely consideration of each proposal so that what is deemed wasteful spending is eliminated quickly and what is needed is moved along without prolonged interruption. Also, if we find that expedited rescission does not work as planned, we can let it expire after next year without reauthorization action.

My colleagues, I hope that all those who support line-item veto can support expedited rescission, it is a modest reform that may prove helpful in reducing the deficit and in making the executive and legislative branch more accountable. I urge its immediate adoption. Thank you.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from South Carolina [Mr. DERRICK] that the House suspend the rules and pass the bill, H.R. 2164.

The question was taken.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 707, FUTURES TRADING PRACTICES ACT OF 1992

Mr. DE LA GARZA. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 707) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on

governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of earlier today.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] is recognized for 1 hour.

Mr. DE LA GARZA. Mr. Speaker, this legislation is a reauthorization of the Commodity Futures Trading Commission. It reauthorizes them for 2 years. It makes some positive changes in the operation. It addresses some of the concerns regarding the trading of futures, and basically this morning we had the last meeting of the conferees on the House side. All of them are in agreement. The minority is in agreement, and I suggest that this is a good conference report for us to adopt at this time.

Mr. Speaker, I am pleased to bring to the floor the conference report to accompany H.R. 707, the Futures Trading Practices Act of 1992.

More than 3 years ago public confidence in the integrity of the futures trading industry was severely shaken as the result of a highly publicized FBI sting operation at the Chicago exchanges. Although the sting operation involved a relatively small number of traders, these abuses tainted the entire industry and brought into question the effectiveness of the Federal oversight of the Commodity Futures Trading Commission [CFTC].

In the aftermath of that investigation, the House Agriculture Committee conducted its own in-depth investigation of the future trading industry.

Following that investigation, the House Agriculture Subcommittee on Conservation, Credit and Rural Development held hearings and developed legislation to address the various shortcomings in current futures trading regulation. This legislation was further refined by the full committee on Agriculture and was approved unanimously—420–0—by the House of Representatives. Unfortunately, similar legislation did not reach the Senate floor during the 101st Congress.

We renewed the drive for new regulatory reform legislation early in the 102d Congress. The House, by a vote of 395–27, again gave its approval to the committee's package in March of last year. And the Senate passed its own version by a substantial margin. Our colleagues in the House and the Senate have given us a strong, clear mandate on the need for regulatory reform.

Mr. Speaker, the thrust of both bills is to strengthen the regulatory framework in order to better deter and especially detect fraud and abuse that may be perpetrated on the floors of futures markets. However, each Chamber took a fundamentally different approach to these issues, and since November of last year the conferees have been trying to hammer out acceptable compromises.

Today I am pleased to present to our colleagues the product of our work—a strong bill that will begin to bring futures trading regulation into the modern age.

Let there be no doubt about the need for this legislation. While the futures exchanges are to be commended for generally improving their own internal oversight against fraudulent trading practices, Congress cannot rely on their good word alone. While the CFTC itself has taken important steps to help ensure that trading on exchanges is fair and orderly, the agency can take its mandate only so far.

This conference report makes amendments to the Commodity Exchange Act that will ensure that the CFTC has the authority and the mandate to more effectively regulate the futures market and better protect investors and the integrity of the futures markets.

We have tried to incorporate the best and most workable provisions in the House and Senate-passed bills. The agreement gives CFTC the powers to effectively crack down on trading fraud and forces exchanges to improve their audit-trail standards.

It also imposes other self-regulation requirements on the futures markets themselves. To ensure that the exchanges of sufficient incentives to guarantee that audit trail improvements are made, the bill provides that in any trading pit which fails to meet the enhanced requirements, the privilege of dual trading shall not be available to its brokers.

Mr. Speaker, the Senate version of this bill included provisions relating to regulatory jurisdiction over complex financial instruments. No similar provisions were included in the House bill and, as a result, the House conferees were called upon to develop positions in this area without the benefit of the normal committee process.

I want to commend our Members for the approach they tock in addressing issues so important to the competitiveness—as well as the safety and soundness—of our Nation's financial system. The provisions adopted in title V of the bill will help secure the competitive position of U.S. financial institutions while maintaining sufficient safeguards to protect against systemic risk and fraud.

The conferees agreed to the Senate provision regarding Federal oversight of margin levels on stock index futures. This provision gives the Board of Governors of the Federal Reserve System authority to review the stock index futures margin levels set by exchanges and order changes if it decides those levels are inappropriate. The provision also permits the Fed to delegate this new authority to the CFTC.

Mr. Speaker, among the most difficult and complex issues that faced the conferees involved the regulatory treatment of certain types of derivative financial transactions, such as swaps and hybrid financial transactions.

The conferees settled on an interim regulatory strategy that essentially gives the CFTC the authority to exempt these types of transactions from regulation as long as they are consistent with the public interest. However, this is an area that the House Agriculture Committee will continue to study and will likely want to revisit in the next Congress.

To give us a hard start in that area, the conferees have directed that the CFTC—in corporation with the Federal Reserve Board and the Securities and Exchange Commission—conduct a comprehensive study of the markets for swap contracts and other off-exchange derivative financial products. It is our hope that such a study will fill in some of the information gaps we now have in the nature of these complex products.

Mr. Speaker, this conference report carefully balances the need to keep our Nation's futures markets competitive in the global market while ensuring that the public interest is served and protected.

The administration and particularly the Commodity Futures Trading Commission have cooperated with us in the development of this legislative package, even though we have had our differences along the way. I want to extend my personal appreciation to CFTC Chairman Wendy Gramm, the other Commissioners and their staff for their assistance.

I want to also thank my House and Senate colleagues who worked long and hard on this legislation. I particularly want to highlight the work and leadership exhibited by the gentleman from Oklahoma [Mr. ENGLISH], who chairs the Subcommittee on Conservation, Credit and Rural Development. The expertise he has developed in this issue area and the wisdom he has shown in helping us finalize the conference report are greatly appreciated. I am also grateful for the cooperation and contribution from our distinguished colleagues from the Committees on Energy and Commerce, and the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, the popular perception of futures trading in Chicago is that of high-stakes speculators. The reality, though, is futures markets provide a useful price risk management tool for literally millions of people, particularly within our Nation's agriculture-based industries. These people are individual farmers and ranchers, grain elevator operators and feedlots owners, farmer-owned cooperatives, grain companies, and other agribusiness firms.

This conference report strengthens the authority of the Commodity Futures Trading Commission so it can effectively protect the American public and ensure the integrity of the futures markets. I urge adoption of the conference report.

Mr. Speaker, I move to suspend the rules and pass the previous question on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

U.N. CONVENTION AGAINST TORTURE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6017) to implement for the United States the United Nations Convention Against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment.

The Clerk read as follows:

H.R. 6017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to enact the necessary legislation to implement for the United States the United Nations Convention Against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment.

SEC. 2. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§ 2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

"§ 2340A. Torture

"(a) Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§ 2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

"Torture ..... 2340.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

□ 2030

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6017 provides the implementing legislation necessary for the United States to complete the process whereby we formally deposit with the United Nations our instruments of adherence to the U.N. Convention Against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment.

The bill before us has previously been passed by the House without dissent as part of a broader bill. The same language has also passed the other body in a separate bill. What we seek to do in bringing this measure to the floor now is to make sure that this bill will get to the President as soon as possible so that the United States will retain its full credibility as the leader of a global international effort to end the scourge of torture.

The Torture Convention itself makes torture a crime under international law as we have previously made other activities such as genocide, slavery and piracy. The bill itself amends the United States Code by inserting a new chapter on torture. The chapter permits fines and criminal penalties to be applied to torturers who are U.S. citizens or who are found within U.S. jurisdiction no matter where the torture occurred. The bill defines what is meant by torture and by severe mental pain or suffering. It also protects the applicability of State or local laws.

Mr. Speaker, the bill before us is sponsored by two outstanding legislators who are retiring this year: WILLIAM S. BROOMFIELD, ranking member on that committee and GUS YATRON who has served with distinction as chairman of the Foreign Affairs Subcommittee on Human Rights. All two of these men have contributed in a significant way to the advancement of international human rights.

I urge my colleagues to support this bill.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this bill, which would implement the U.N. Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

I am proud to be an original cosponsor of this legislation—along with Chairman FASCELL and Congressman YATRON, chairman of the Subcommittee on Human Rights and International Organizations. Commendations are due to both Chairman FASCELL and Congressman YATRON for their commitment to this cause.

Mr. Speaker, this bill would create a criminal cause of action in U.S. courts against perpetrators of torture overseas. It would allow the United States to fully implement our responsibilities under the U.N. Convention Against Torture.

This legislation is strongly supported by the administration. I urge my colleagues to give it their support.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 6017.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948 AND FOREIGN SERVICE ACT OF 1980

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6047) to amend the U.S. Information and Educational Exchange Act of 1948, the Foreign Service Act of 1980, and other provisions of law to make certain changes in administrative authorities, as amended.

The Clerk read as follows:

H.R. 6047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGES IN ADMINISTRATIVE AUTHORITIES.

(a) RADIO FACILITIES.—Section 235 of the Foreign Relations Authorization Act Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) by amending the heading of section 235 to read as follows: "CONTINUING CONTRACT AUTHORITY FOR SELECTED VOICE OF AMERICA RADIO FACILITIES"; and

(2) by inserting ", Sri Lanka, Sao Tome, and Kuwait" after "Thailand".

SEC. 2. APPROPRIATIONS AUTHORITIES.

Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended by adding at the end thereof the following new subsection:

"(f)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the United States Information Agency in the Department of State and Related Agencies Appropriations Act, for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year for any other account of the United States Information Agency.

"(2) Amounts appropriated for the 'Salaries and Expenses' and 'Educational and Cultural Exchange Programs' accounts may not exceed by more than 5 percent the amount specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

"(3) The requirements and limitations of subsection (a) shall not apply to the appropriation of funds pursuant to this subsection.

"(4) This subsection shall cease to have effect after September 30, 1993.".

SEC. 3. PROTECTION OF FOREIGN DIPLOMATIC MISSIONS.

(a) AMENDMENT TO TITLE 3.—Section 202(10) of title 3, United States Code, is amended by striking ", pursuant to invitations of the United States Government" and inserting "when such officials are in the United States to conduct official business with the United States Government".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

SEC. 4. FOREIGN SERVICE RETIREMENT AND DISABILITY.

(a) CONTRIBUTIONS TO THE FUND.—Section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4050(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2) Notwithstanding the percentage limitation contained in paragraph (1) of this subsection—

"(A) the Department shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed in the same manner as that of a law enforcement officer pursuant to section 8339(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8334(a)(1) of title 5. The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the Department from the appropriations or fund used for payment of the salary of the participant. The Department shall deposit in the Fund the amount deducted and withheld from basic salary and amounts contributed by the Department.

"(B) The Department shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed pursuant to section 8415(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8422(a)(2)(B) of title 5. The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the Department from the appropriations or fund used for payment of the salary of the participant. The Department shall deposit in the Fund the amounts deducted and withheld from basic salary and amounts contributed by the Department.".

(b) SPECIAL CONTRIBUTIONS.—Section 805(d) of the Foreign Service Act of 1980 (22 U.S.C. 4045) is amended by adding at the end thereof the following new paragraph:

"(5) Notwithstanding paragraph (1), a special contribution for past service as a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development which would have been creditable toward retirement under either section 8336(c) or 8412(d) of title 5, and for which a special contribution has not been made shall be equal to the difference between the amount actually contributed pursuant to either section 4045 or 4071e of title 22 and the amount that should have been contributed pursuant to either section 8334 or 8422 of title 5.".

(c) MANDATORY RETIREMENT.—Section 812(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4052(a)(2)) is amended in the first sentence by striking "55" and inserting "57".

(d) COMPUTATION OF ANNUITIES.—Section 806(a)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by striking "section 5545(a)(2)" and inserting "section 5545(c)(2)".

SEC. 5. BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON.

(a) IN GENERAL.—Section 599C(b)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is amended by adding at the end the following: "For purposes of this paragraph, any United States hostage captured in Lebanon who was paid a salary or wage in Lebanese pounds in amounts that were not adjusted to compensate for any devaluation of the Lebanese pound that occurred during such hostage's period of captivity shall not be considered to have received a salary or wage from an employer.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of the date of enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. BERMAN] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

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

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 6047, is a housekeeping bill. It makes limited technical changes to State Department, U.S. Information Agency, and AID administrative and personnel authorities. The bill does not authorize any additional funding, does not contain any substantive provisions, and does not make any policy changes.

Section 1 of the bill extends existing USIA multi-year contracting authority to three new planned VOA radio transmitter construction projects. Section 2 corrects an inadvertent omission in Public Law 102-138, the fiscal year 1992-93 Foreign Relations Authorization Act, to relax line-item authorizing constraints on appropriations. Section 3 corrects a drafting error in the same act which had led to misinterpretation of statutes providing for reimbursement of State and local governments for foreign VIP visit costs. Section 4 corrects a technical error in the Foreign Service Act of 1980, so as to allow participation of certain eligible AID employees in retirement plans. Section 5 adjusts statutes providing compensation for United States hostages in Lebanon, so as to factor in exchange rate changes.

Four of these provisions have been requested, and the fifth agreed to, by the executive branch. A provision on housing benefits for employees of international organizations, to which the minority had objected, was deleted from this bill prior to introduction. It is my understanding that the administration supports passage of the bill, and I urge my colleagues to do so as well.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the core provisions of this bill, which affects the operations of the Department of State and the U.S. Information Agency. The basic changes contained in this bill have either been requested by the administration, or agreed to by them.

I do wish to make one clarification, however: It is my understanding that reimbursements to local governments for enhanced protection of visiting foreign officials under section 3 would apply only when the visiting officials are in the United States primarily to conduct official business with the U.S. Government. The other existing criteria must also be met—such as the city having 20 or more consulates or diplomatic facilities. If a foreign official is visiting at the invitation of the local government, then the local government should be responsible for the additional expenses.

It should be recalled that last year's conference report on the Foreign Relations Authorization Act for Fiscal Years 1992 and 1993, stated on this issue: "The conferees intend that future claims should be based on written commitments agreed to in advance."

Mr. Speaker, I wish to thank the chairman of our Committee, DANTE FASCELL, for his willingness to work out differences on these items, and to accommodate administration requests. His actions continue to reinforce the principle that partisanship and politics stop at the waters edge.

I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California [Mr. BERMAN] that the House suspend the rules and pass the bill, H.R. 6047, 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. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RED CROSS AND RED CRESCENT RECOGNITION OF MAGEN DAVID ADOM

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 223) expressing the sense of the Congress that the International Red Cross/Red Crescent Movement should include Magen David Adom as a legitimate national society of that movement.

The Clerk read as follows:

H. CON. RES. 223

Whereas Magen David Adom performs the humanitarian functions of other national societies of the International Red Cross/Red Crescent Movement;

Whereas Magen David Adom is still not a full partner in the International Red Cross/Red Crescent Movement;

Whereas the refusal of the international community to recognize Magen David Adom indicates the intensity of hostility faced by Israel in the world community;

Whereas the recognition by the international community of the humanitarian role played by Magen David Adom would provide additional impetus to the Middle East peace process;

Whereas the American Red Cross Board of Governors has approved and begun implementation of a resolution recognizing Magen David Adom as a constituent member of the International Red Cross/Red Crescent Movement;

Whereas the American Red Cross, working with the International Committee of the Red Cross and in cooperation with Magen David Adom, has established the Holocaust and War Victims Tracing and Information Center to assist holocaust survivors in learning about the fate of loved ones; and

Whereas the American Red Cross has worked to promote cooperation between Magen David Adom and other national Red Cross/Red Crescent societies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the International Red Cross/Red Crescent Movement should include Magen David Adom as a legitimate national society of the International Red Cross/Red Crescent Movement;

(2) the Star of David should be recognized as a legitimate symbol of humanitarian concern when utilized by Magen David Adom; and

(3) all other national societies of the International Red Cross/Red Crescent Movement should take the example of the American Red Cross and support full membership of Magen David Adom in the International Red Cross/Red Crescent Movement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ENGEL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin I want to thank Chairman FASCELL, Chairman HAMILTON, and Chairman YATRON for moving so expeditiously on this resolution in the Foreign Affairs Committee. I appreciate your help and am very sorry to see Mr. FASCELL and Mr. YATRON leave Congress at the end of this year. I have thoroughly enjoyed working with you on the committee and wish you the best in your endeavors in the future.

Mr. Speaker, I introduced this resolution because I feel that it is completely unfair that the international community has not recognized Magen David Adom as a legitimate National Red Cross Red Crescent Society. It carries out the functions of any other Red Cross Red Crescent National Society, but has never been recognized by the International Committee of the Red Cross.

The obstacle to full acceptance in the Red Cross movement is basically a simple one. Magen David Adom wishes to use the red shield of David as its symbol of humanitarian concern instead of the red crescent or the red cross. However, the Geneva Conventions do not recognize the red shield of David. Originally only the red cross was recognized as an emblem to be carried by voluntary medical personnel. In 1876, the Turks announced that the red cross wounded the sensibilities of the Muslem soldier, and that they would employ a red crescent as their symbol of humanitarian concern. In 1929, the red crescent was officially recognized by the signatories of the Geneva Conventions as was the red lion and sun, the symbol utilized by the Iranians until 1980.

Despite these efforts to accommodate countries who were not comfortable employing the red cross, the international community did not take similar steps after Israel declared its independence in 1948. In fact in 1949, a diplomatic conference which had the authority to add humanitarian symbols chose not to add the red shield of David despite efforts by the Israeli Government. In 1974 another diplomatic conference was held and again Israel wished to add the red shield of David as an official symbol for Magen David Adom, but withdrew its proposal because of strong international opposition particularly from countries who refused to recognize Israel's existence.

My resolution calls on the international community to take whatever steps are necessary to resolve this unfortunate situation. At a time when Israel's neighbors are at last pursuing a peace process, recognition of Magen David Adom and its symbol, the red shield of David, would be an important confidence building measure similar to the revocation of United Nations General Assembly Resolution 3379, equating Zionism with racism.

While the international community has not recognized Magen David Adom, the American Red Cross has enthusiastically endorsed inclusion of Magen David Adom in the International Red Cross/Red Crescent movement. In 1990, the American Red Cross adopted a resolution designed to bring Magen David Adom into closer cooperation with the rest of the Red Cross/Red Crescent movement. Cooperation between the American Red Cross and Magen David Adom has included the establishment of the Holocaust and War Victims Tracing and Information Center to assist Holocaust survivors in learning about the fate of loved ones.

I drafted House Congressional Resolution 233 with the assistance of the American Red Cross and it has supported its passage. I urge my colleagues to support this resolution and to help end this injustice.

□ 2040

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

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution expresses the sense of Congress that the International Red Cross/Red Crescent Movement should include Israel's Magen David Adom as a national society of that movement. I support the resolution and commend Congressman ENGEL for his sponsorship.

The improved atmosphere in the Middle East should be reflected in all aspects of the Arab world's relationship with Israel. Now is the time to take politics out of the international effort to provide humanitarian assistance to the needy around the world. Israel's Magen David Adom is a legitimate humanitarian relief movement and deserves to be a full partner in the International Red Cross/Red Crescent Movement.

In addition, the Star of David should be recognized as a legitimate symbol of humanitarian concern when utilized by Magen David Adom. It is only natural that a country should have the right to use the symbol of its choosing for

international humanitarian relief efforts.

The American Red Cross is to be commended for working to promote cooperation between Magen David and other national Red Cross/Red Crescent societies and for approving a resolution recognizing Magen David Adom as a member of the international humanitarian movement.

During this period of great hope and promise in the Middle East, I believe that it is time for all national societies to support full membership for Magen David Adom in the International Red Cross/Red Crescent Movement. Such a step will help show Israelis that the Arab world is sincere in seeking a working relationship with the Jewish state.

I urge my colleagues to join me in supporting this resolution.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 223, a resolution expressing the sense of the Congress that Magen David Adom should be accorded the same status as other organizations of the International Red Cross/Red Crescent Movement. Permit me to commend our colleague on the Foreign Affairs Committee, the gentleman from New York [Mr. ENGEL] for his outstanding work on this measure.

Since its inception, Magen David Adom has performed the same humanitarian functions as every other member of the International Red Cross/Red Crescent Movement.

As some of my colleagues may know, the American Red Cross board of governors has approved and begun implementation of a resolution recognizing Magen David Adom as a constituent member of the organization.

Mr. Speaker, it is high time this fine organization is recognized internationally for all the good it has been doing. I accordingly, urge support for this measure.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 223, the concurrent resolution now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. ENGEL] that the House suspend the rules and agree to the concurrent resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING PERSONS WHO ASSISTED JEWS DURING THE HOLOCAUST

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 538) commending the heroic individuals who acted to rescue Jews during the Holocaust and the Jewish Foundation for Christian Rescuers, which perpetuates the altruism and moral courage of such individuals.

The Clerk read as follows:

H. RES. 538

Whereas, during the period from 1941 to 1945, Adolph Hitler and the Nazi leadership of Germany implemented a massive genocide against the Jewish people;

Whereas the implementation of the genocide, which is referred to as the Holocaust, resulted in the tragic deaths of more than 6,000,000 Jews from throughout Europe;

Whereas Jewish men, women, and children were taken from their homes and sent to gas chambers and death camps during the Holocaust;

Whereas Jewish individuals were hunted down by the Nazi regime and its collaborators during the Holocaust;

Whereas, in regions controlled by the Nazis during the Holocaust, laws forbade an individual from assisting, hiding, or concealing knowledge of the whereabouts of a Jew;

Whereas the punishment for violating such laws was death;

Whereas courageous individuals throughout Europe ignored such laws and followed their consciences in order to save Jews from deportation and death;

Whereas, in many instances, such courageous individuals put the lives of complete strangers ahead of their own lives in the name of humanity;

Whereas many of such courageous individuals, who are heroes, are still living in the United States and elsewhere; and

Whereas the Jewish Foundation for Christian Rescuers, which is a project of the Anti-Defamation League, working in consultation with Yad Vashem, which is the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, assists approximately 1,000 of such courageous individuals who are in financial need and endeavors to inculcate in the people of the world the altruism and moral courage exemplified by such courageous individuals: Now, therefore, be it

Resolved, That the House of Representatives commends—

(1) the countless heroic individuals who acted at great personal risk to save Jews from death in concentration camps and gas chambers during the Holocaust for—

(A) placing humanitarian principles before personal safety; and

(B) protecting human beings from extreme acts of inhumanity in the face of the acquiescence in such acts by many others throughout the world; and

(2) the Jewish Foundation for Christian Rescuers for its inspiring and compelling work in recognizing, honoring, and encouraging the people of the world to show the altruism and moral courage of such heroic individuals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ENGEL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 538, commending those heroic individuals who acted to rescue Jews during the Holocaust and urge its immediate adoption.

Mr. Speaker, this resolution, authorized by our distinguished colleague from New York Mrs. LOWEY, recognizes the moral courage of those men and women who, at great personal risk, acted to save their Jewish friends, neighbors and, in some cases, total strangers from the Nazi terror. These individuals transcended religious or ethnic differences to rescue Jews from deportation and death. By their noble actions, they demonstrated the bond of humanity we all share. It is a tragic commentary on those horrific times that more non-Jews did not act to save the lives of their fellow man and that acts of common decency became extraordinary deeds.

The example set by those who rescued Jews from the gas chambers and concentration camps is one of altruism to which we should all aspire and which has direct relevance for our lives today. In these troubling times of ethnic cleansing in Bosnia, of clan warfare in Somalia, of religious persecution in Tibet, indeed, of racial intolerance in this country, the example of compassion for one's fellow human beings set by these men and women deserves to be emulated. Today, nearly 50 years after the Holocaust, it is important to remember that thousands of people all over the world are at risk of losing their livelihoods, if not their lives, simply for belonging to the wrong race, or religious or ethnic group.

It is fitting that the House of Representatives pay homage to these heroes of the Holocaust during the observance of the Jewish high holy days, a time for atonement of sins and affirmation of life. Let each of us atone for the sins of omission we commit when we neglect to defend the rights of those who differ with us or are different from us. Let us reaffirm our commitment to do all that we can to end ethnic, racial and religious intolerance. By doing so, we protect not just those around us but our own humanity and self-interest.

Mr. Speaker, the words of Protestant Pastor Martin Neimuller, who lived through the Holocaust, are particularly appropriate. He said: "When Hitler attacked the Jews, I was not a Jew, therefore, I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic and, therefore, I was not concerned. And when Hitler attacked the unions, I was not a trade unionist and I was not concerned. Then, Hitler attacked me * * * and there was not one left to be concerned."

I commend Representative LOWEY for her efforts to bring this important

issue to our attention and to pay tribute to these truly heroic individuals. I urge unanimous adoption of the resolution.

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

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution commends those individuals who rescued Jews during the Holocaust and highlights the excellent work of the Jewish Foundation for Christian Rescuers. I support it, and wish to praise the efforts of Congresswoman LOWEY, the principal sponsor.

When Americans hear about the Holocaust they are shocked that such a tragedy could have occurred. They ask why other human beings did not do more to rescue European Jews. Thankfully, some good men and women did stand up and do what was right.

These individual rescuers showed compassion and human decency toward others during that nightmare of Nazi persecution. In bravely saving Jews from death or deportation, they put their own lives in danger. Fortunately, many Jews were able to escape as a result. The efforts of those Christian rescuers should be known and honored as a model of human behavior under difficult circumstances.

House Resolution 538 commends the many heroic individuals who saved Jews and other victims of Nazi persecution from the concentration camps. It also calls to our attention the important work of the Jewish Foundation for Christian Rescuers in saluting the courage of these heroic individuals. The Jewish Foundation for Christian Rescuers now lends a helping hand to assist about 1,000 Christian rescuers who need assistance in their twilight years.

We must never forget the Holocaust nor those who stood up for what was right during that time. I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 2050

Mr. ENGEL. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, Mrs. LOWEY.

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of House Resolution 538, and I would like to extend my gratitude to Chairman FASCELL, ranking minority member BROOMFIELD, Subcommittee on Europe and the Middle East Chairman HAMILTON, and ranking member GILMAN, and the chairman and ranking minority member of the Human Rights Subcommittee, Mr. YATRON and Mr. BEREUTER. I also thank the other members of the Foreign Affairs Committee for helping to bring this resolution to the floor.

House Resolution 538 commends, for their courageous actions, those individuals who rescued Jews from the tragedy of the Holocaust. During World War II, millions stood by and did nothing as the Nazis slaughtered 6 million Jews. However, there were those who did act, at great personal risk, to save Jews who would otherwise have met their deaths in the Nazi concentration camps. House Resolution 538 honors these silent and unsung heroes who stood up in the face of one of the greatest nightmares of modern history.

The resolution also acknowledges the important work of the Jewish Foundation for Christian Rescuers. This organization has taken on the challenge of finding Holocaust rescuers around the world and providing them support in appreciation for their selfless acts on behalf of humanity. Many of the brave men and women, who put the lives of strangers before their own, now live in very difficult circumstances. The foundation seeks them out and lets them know that their courageous deeds are not forgotten.

The Acts of the rescuers fifty years ago should serve as examples to all of us and to future generations. Their courageous acts are an eloquent testimony to the capacity of the human spirit to stand up against overwhelming odds to do what is right and what is just. Many of these inspiring individuals refuse to take credit for their miraculous deeds because they feel that they did what every thinking, caring human being should have done. But, in spite of their own humility, they do deserve our thanks and appreciation.

Let me tell my colleagues about three of the heroines that this resolution honors. Dr. Tina Strobos of Larchmont, NY, rescued over 100 Jews in her native Netherlands. She was just 19 years old when she and her mother first began hiding Jews in their attic. Despite the danger to their own lives, they refused to turn away Jews trying to escape certain death at the hands of the Nazis.

Two others, Julia Schweder and her daughter, Elizabeth Schweder Szak, of Queens, NY, were rescuers in their native Hungary. They lived in an apartment building that was filled with Nazi officers. Still, they not only hid Jews in their apartment, but they also bribed officials to take food to Jews trapped in the Budapest ghetto.

There are countless stories of this type of heroism. The stories are moving and touching to all who read them. At times like these, when crimes rooted in hatred and bigotry have been on the rise in our own Nation, it is important that we all be reminded of the courageous acts of these individuals in the face of the horrors of the Holocaust. Their deeds should serve as inspiration to all of us to stand up and speak out against all forms of bigotry, intolerance, and hatred today.

There is a Hebrew saying, "He who saves one life, saves the universe." These rescuers have saved the universe many times over. I hope all of my colleagues will join me in approving this resolution.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the measure now pending before us. House Resolution 538, introduced by our colleague, Congresswoman LOWEY, expresses the sense of the House of Representatives that those individuals who acted to save Jews during the dark years of the Holocaust be commended for their heroic acts. Accordingly, I am pleased to be a cosponsor of this legislation.

House Resolution 538 also lauds the Jewish Foundation for Christian Rescuers, which persists in its efforts on behalf of this noble ideal. Fifty years ago, the world was engulfed in madness. Adolf Hitler and his collaborators brought with them a unique brand of hatred that spread across the European continent. Slowly, yet methodically, laws were adopted and regulations promulgated which not only stripped Jewish citizens of their rights, but created numerous ghettos across the continent, and ultimately saw the construction of chillingly efficient concentration and death camps.

Ultimately, Mr. Speaker, more than 6 million innocent men, women, and children perished in the Holocaust. Precious few individuals were willing to risk their lives on behalf of their fellow human beings. However, even in the midst of the hell that was Europe, some men and women with the moral fortitude to act did what they could to save Jewish lives. Many of these have been honored at the Holocaust Museum in Jerusalem in the Garden of Righteous Gentiles. The Jewish Foundation for Christian Rescuers perpetuates the selflessness and courage with which these individuals acted, and is to be commended for its ongoing efforts. Accordingly, Mr. Speaker, I urge my colleagues to lend House Resolution 538 their unqualified support.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New York [Mr. ENGEL] that the House suspend the rules and agree to the resolution, House Resolution 538.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONCERNING THE SITUATION IN SOMALIA

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 370) concerning the humanitarian crisis in Somalia.

The Clerk read as follows:

H. CON. RES. 370

Whereas violence, anarchy, and starvation continue to escalate in Somalia;

Whereas there have been more than 100,000 deaths by starvation and approximately

2,000,000 people face death from starvation and disease as a result of drought, famine, and civil war;

Whereas one-fourth of all Somali children under the age of five have perished and three out of four of the remaining young children are still in danger of dying;

Whereas a 95 percent malnutrition rate and a 75 percent severe malnutrition rate currently exist in Somalia;

Whereas hundreds of thousands of Somalis are refugees or internally displaced;

Whereas a state of almost total anarchy has existed for 19 months, following the overthrow of the Siad Barre dictatorship and the subsequent civil war between various Somali clans, during which period the government has ceased to exist—no police, no army, no health ministry, no schools, and no civil administration of any kind;

Whereas Somali warring factions have disrupted international relief efforts, attacked convoys, stolen food and medical supplies, and injured and killed relief workers;

Whereas the safety of relief workers and people seeking care must be assured during periods needed to provide medical and feeding services;

Whereas Somali leaders have been unable or unwilling to exert control over those responsible for the clan, subclan, and random violence which jeopardizes relief operations;

Whereas the process of peace negotiations should not be permitted to delay resolution of the obvious security problems that prevent relief operations; and

Whereas President Bush recently welcomed the call of the Secretary-General of the United Nations for a new agenda to strengthen the ability of the United Nations to prevent, contain, and resolve conflict across the globe: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President should—

(1) express to the United Nations Security Council the desire and the willingness of the United States to participate, consistent with applicable United States legal requirements, in the deployment of armed United Nations security guards, as authorized by the Security Council, in order to secure emergency relief activities and enable greater numbers of international and Somali organizations and people to provide relief and rehabilitation assistance;

(2) express to the United Nations Security Council that the exigency of the crisis in Somalia warrants authorization by the Security Council of the deployment of United Nations security guards even in the event that an invitation by the various warring Somali factions cannot be obtained;

(3) encourage discussion of alternative strategies for solving the political crisis in Somalia;

(4) support the United Nations-sponsored relief coordination conference for Somalia scheduled for mid-October 1992; and

(5) make every effort to ensure that adequate United States financial support exists for the United Nations to carry out its humanitarian and peacekeeping/peacemaking mission in Somalia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ENGEL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 370, concerning the humanitarian crisis in Somalia.

Mr. Speaker, the world, after much delay, has begun to give needed attention to the almost unbelievable suffering in Somalia. As most of us know by now, it is one of the worst humanitarian crises the world is faced with today. Brutal and senseless killings continue and the gross abuse of the most basic human rights of the Somalia population by all the warring factions is a factor of everyday life. Despite the courageous efforts of relief officials, the reality is that many people continue to die. Food is not getting to those who need it most.

Mr. Speaker, the United Nations has begun to deploy humanitarian security guards to assure relief gets to those in need. This process must be speeded up.

Mr. Speaker, the resolution urges the President to: First, express to the U.N. Security Council the desire and the willingness of the United States to participate in activities authorized by the Security Council to enable relief supplies to reach the needy; second, express to the Security Council the need for additional deployment of security guards; third, encourage discussion of alternative strategies for solving the crisis, and; fourth, make every effort to ensure adequate U.S. support exists for the efforts of the United Nations.

Mr. Speaker, throughout the long years of the cold war, Somalia and the rest of the Horn of Africa were of strategic importance to the United States. I believe we have a specific moral obligation to assist the people of Somalia in this time of need. We can do this best by working through the United Nations. United Nations Secretary General Boutrous-Ghali, his special envoy for Somalia, Ambassador Mohammed Sahnoun, and the relief agencies working in Somalia need our support.

Mr. Speaker, every day we open the newspaper and we see the dying women, the dying children, and the dying men, and it certainly is something that makes our hearts break. The world cannot continue to sit idly by and watch these poor people starve to death.

Mr. Speaker, this resolution expresses the willingness of the United States to support their efforts. I urge the adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution concerning the ongoing tragedy in Somalia. I commend Congressman JOHN LEWIS for sponsoring this timely legislation to help end the suffering of the Somali people.

Two terrible disasters face the international community today. While the horrors of Bosnia dominate the news, the developments in Somalia could take the lives of far more innocent people.

The horrible events unfolding in Somalia have shocked the world. More than 100,000 innocent human beings have already starved, and 2 million more face the same fate. Malnutrition is nearly universal, and hundreds of thousands of Somalis have fled the country or been displaced.

Since the overthrow of the previous regime, only anarchy has ruled in Somalia. Fighting among the various clans has created chaos. The violence has disrupted international relief efforts and compounded the problems caused by drought.

The United States Government has donated about $148 million in assistance to Somalia over the 2 years. President Bush has supported United States and international assistance efforts. Despite the efforts of the international community, still more must be done.

This resolution urges the President to communicate to the U.N. Security Council that the United States would consider participating in the deployment of armed U.N. guards to secure relief shipments. It also encourages further discussion of additional strategies to address the crisis in Somalia, including a high-level conference to coordinate relief efforts. In addition, it calls upon the administration to identify adequate U.S. financial support for U.N. activities.

When historians write the story of how America responded to the challenges of building the new world order, I want them to say that Americans led the way in extending a helping hand to the starving people of Somalia. I urge my colleagues to support this resolution.

□ 2100

Mr. ENGEL. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from New York [Mr. ENGEL] for yielding me this time and for his support on this resolution.

I thank the gentleman from Florida [Mr. FASCELL], the chairman of the full committee, and the ranking member, the gentleman from Michigan [Mr. BROOMFIELD] for all his help and his support in cosponsoring this resolution.

Mr. Speaker, like so many others, I am deeply troubled by the crisis in Somalia. Every day thousands of Somalis are dying of starvation. Dozens of clans are fighting each other. Chaos rules the country.

The situation in Somalia is unlike anything this world has known. There is no government. There is no army or police. Starving refugees roam the country seeking safe haven and food.

It is time for the eyes of the world to turn to Somalia. We must seek solutions. We must find a way to end the crisis. There are no easy answers, but we must get to the starving. We cannot stand by while thousands of people die.

The United Nations is making some progress in Somalia. In some villages, the elders are once again in control. The United States is sending food in by air, by land, and by sea; but we must do more, and we can do more. We must turn our hearts and our minds to solve this problem. We must use and explore new methods, new ways, new means, new techniques in negotiations. We must provide leadership and financial support to the United Nations to solve this problem.

This resolution, House Concurrent Resolution 370, calls on the United Nations to attempt to find new solutions to this crisis. We must devote our energy and our resources to restoring to this country a sense of order, a sense of peace. We must find peace, and I urge all my colleagues to support this resolution.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in support of this resolution which draws attention to the tragedy that is occurring in Somalia.

Earlier this evening, I spoke in support of a resolution honoring individuals who risked their lives to save Jews during the Holocaust. During World War II, millions stood by and did nothing as the Nazis slaughtered 6 million Jews. However, the individuals that my resolution honors did act, and their actions saved many lives.

Today, in Somalia, the famine and decades of civil war raging there have taken a deadly toll. Some 4.5 million people face death by starvation and a sixth of the population of 7 million are refugees because of the brutal violence. AID workers have testified that at least one person is starving to death every minute while heavily armed fighters from rival militias confiscate all the food they can.

Tragically, the world's attention has been diverted by other world events from this catastrophe. And like the millions around the world who did nothing to end the Holocaust, many in the international community are content to "hear no evil—see no evil" when it comes to Somalia.

I commend all who have taken an active part in moving this resolution forward, and I urge my colleagues to prove that the lesson of the Holocaust rescuers still teaches us today.

Mr. GILMAN. Mr. Speaker, I want to thank the chairman, the gentleman from Florida [Mr. FASCELL] and the ranking minority member, Mr. BROOMFIELD, for bringing House Concurrent Resolution 370 to the floor at this appropriate time. In addition, I want to thank the chairman of the Subcommittee on Africa, the distinguished gentleman from California, [Mr. DYMALLY] and the ranking minority member, the distinguished gentleman from Indiana, [Mr. BURTON] for supporting House Concurrent Resolution 370. Their leadership in attempting to resolve the crisis in Somalia and end the bloodbath that has engulfed Mogadishu, has been crucial to the development of the strong bipartisan support for ending the troubles there.

The tragedy facing Somalia continues to be beyond our hearts and minds to grasp. It is estimated that at least 5,000 people are succumbing to hunger and related diseases every day. The problem is not a lack of food but attacks on relief convoys delivering the food in country.

The administration must be commended for its creative approach to ending the fighting by continuing to support meal distribution centers in areas where there is armed conflict. The U.S. Agency for International Development informs the combatants, however, that if they want development assistance such as wells, fertilizers, and so forth, they must end the fighting.

House Concurrent Resolution 370 supports the deployment of armed U.N. security forces to secure emergency relief activities. It also calls for these forces to be dispatched even if the warring factions do not agree to it.

Accordingly, I support House Concurrent Resolution 370 and urge my colleagues to vote for the bill.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise to express the strongest support possible for House Concurrent Resolution 370, a resolution calling for action to respond to the humanitarian crisis in Somalia. But I also want to ask, "How could this tragedy have come to pass?"

The tragedy befalling the people of Somalia mocks virtually all attempts to describe it. Pictures, here, definitely speak louder than words. Today's Washington Post carried such a photo. It showed a desperate mother bathing her rail-thin daughter as they patiently awaited a ration that might extend their lives for yet another day. A picture so grim can only make one wonder why there is other news in the paper.

The accompanying story, which one could barely read after absorbing the shock of that photo, chronicled a deteriorating situation in Somalia. Since we last revisited this crisis in August, with a resolution urging humanitarian relief, the famine, drought, and civil war have been compounded by emerging epidemics of measles, tuberculosis, and hepatitis. These diseases may now be killing more people than the famine itself.

Permit me to try to describe what havoc the famine alone has wreaked. I'll not use my own words, because I couldn't begin to assay the dimensions of the worst humanitarian crisis facing humanity this decade. I will refer instead to a moving and sobering report. "A Journey to Hell," prepared by Jeffrey Clark. Mr. Clark, a former professional staff member of the Select Committee on Hunger, now serves as a consultant to the United States Committee on Refugees—one of the many private voluntary agencies seeking to plug the relief gap created by the breakdown of Somali society and the failure of governmental relief efforts.

I quote from Mr. Clark's report on his recent visit to Somalia which shows there is now:

> Death by starvation of untold hundreds of thousands of Somalis.
>
> A 95 percent malnutrition rate * * * with some 75 percent severe malnutrition believed to exist. There is no precedent of such suffering for a large population in my experience.
>
> A total absence of even rudimentary health care.
>
> Rampant epidemics of the diseases associated with malnutrition, plus malaria and typhoid.
>
> Food in such short supply that it is the currency of the land and thus the spark of much of the violence.

Let me then say a word about how this tragedy unfolded. In analyzing the roots of the tragedy, Mr. Clark upbraids "the stewards of the international humanitarian assistance system that have allowed this horrible situation to deteriorate into a monumental catastrophe of unparalleled dimensions and the toll of suffering to exceed comprehension, let alone forgiveness."

His critique of the breakdown of international relief recognizes the internal causes of the crisis: famine, drought, and lawlessness. But he reserves his most withering criticism for the agencies of the United Nations: "They have failed tragically to meet even their basic responsibilities. The sad U.N. preoccupation with protocol and turf again prevented effective coordination and useful action." These are Mr. Clark's words but they have been echoed by the U.N.'s own officials, including Ambassador Sahnoun, the Secretary General's own special representative in Somalia.

While the main responsibility for Somali suffering lies within and with the international community, we should not absolve ourselves. The United States has dallied in paying assessments to the United Nations, shirked its leadership as one of five permanent members of the Security Council, and delayed in leading the effort to pre-position food and to use our excess military logistical capacity for relief.

True, the United States has done more than most nations. We have supported private relief and we have mounted a military airlift of food and medicine to help stop the suffering. Congress has paid close attention to the Horn of Africa and passed measures to relieve and to prevent suffering in that region.

But our Government has left the main responsibility for famine prevention and relief to the brave and tireless workers employed by such nongovernmental institutions as the International Red Cross. Consequently, we have missed opportunities to prevent needless human suffering. We are still all too prone to fight a cold war now ended with military aid still in excess. Even with tight budgets, we can convert security aid into food aid and humanitarian relief. The precise authority to do that is provided in the Horn of Africa Recovery and Food Security Act, which I sponsored with Mr. WHEAT and Mr. BEREUTER.

The resolution before us today calls on our Government to move full speed ahead in supporting the secure delivery of humanitarian aid. It supports U.S. participation in the U.N. security force now being deployed to ensure that food aid reaches starving people. It endorses adequate relief aid to meet the critical

survey needs of millions of people standing on the precipice of extinction.

In conclusion, I can only hope that this expression of solidarity with the people of Somalia will help to push our Government into high gear. We can't afford to wait another day.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New York [Mr. ENGEL] that the House suspend the rules and agree to the concurrent resolution, House Congressional Resolutions 370.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Congressional Resolution 370, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

U.S. PARTICIPATION IN A CASCADIA CORRIDOR COMMISSION

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6077) concerning U.S. participation in a Cascadia Corridor commission.

The Clerk read as follows:

H.R. 6077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CASCADIA CORRIDOR COMMISSION.

The United States should continue negotiations with the Government of Canada and State, provincial, and local governments in the urbanized Cascadia corridor along Interstate 5/Highway 99 from Vancouver, British Columbia (including Vancouver Island), to Eugene, Oregon, in order to establish a commission to—

(1) act as a forum to coordinate consideration of regional issues in the Cascadia area by representatives from the private sector, nonprofit organizations, and local, State, provincial, regional, and national governments;

(2) develop a strategy for environmentally sound economic development in the Cascadia region which includes consideration of environmental issues, urban development, transportation, communications, and education; and

(3) submit a plan, developed by the commission and incorporating such strategy, to the Congress, the Canadian Parliament, the legislature of British Columbia, and the State legislatures of Oregon and Washington.

SEC. 2. ADVISORY COMMISSION.

The commission should be authorized to function only in an advisory capacity and should have no authority concerning any local, State, or Federal agency or government.

SEC. 3. COMPOSITION OF UNITED STATES DELEGATION.

If the United States and Canada conclude an agreement to establish such a commission concerning the Cascadia region, the United States delegation to the commission should include—

(1) 1 member appointed by the President, who should be a nonvoting member;

(2) a Washington State delegation; and

(3) an Oregon delegation.

SEC. 4. COST-SHARING AMONG U.S. DELEGATION.

Upon appointment of a United States delegation to such a commission, the United States delegation should decide the cost-sharing arrangements among the Federal, State, and local participants of the delegation. Federal Government contributions of the United States may not exceed one-fourth of the total budget of the commission for any fiscal year.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for "International Commissions" for the Department of State for purposes of a commission pursuant to this Act $200,000 for fiscal year 1993 and $200,000 for fiscal year 1994. Amounts authorized to be appropriated by this section are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ENGEL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6077, concerning U.S. participation in a Cascadia Corridor commission. This legislation urges the President to continue ongoing negotiation with the Government of Canada to establish a Cascadia Corridor commission. The purpose of this commission is to address environmentally sound development and other regional issues in the Cascadia Corridor from Vancouver, British Columbia to Eugene, Oregon. The commission, which would serve in an advisory capacity to Federal, State, and local governments, would submit a development strategy for consideration by the concerned Federal and State Governments.

Mr. Speaker, it is expected that this commission will have little cost to the Federal Government. The legislation provides that the U.S. delegation to the commission would negotiatie cost-sharing arrangements between the Federal, State, and local participants. At no time would the Federal Government bear more than one-quarter of the costs of the commission. The bill would authorize a ceiling of only $200,000 for each fiscal years 1993 and 1994 for this purpose.

I urge the Members to support this legislation.

Mr. BROOMFIELD. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill authorize U.S. participation in the Cascadia Corridor commission, which is to propose an environmentally sound economic development plan for our Pacific Northwest and the Canadian province of British Columbia. The plan will be submitted to Congress, the Canadian Parliament, the legislature of British Columbia, and the State legislatures of Oregon and Washington.

This approach will help coordinate growth stategies on this region in order to reconcile economic and environmental objectives. I wish to congratulate Congressman JOHN MILLER for his leadership on this bill, and for the hard work he has consistently performed on behalf of his constituents and his region. The House and our committee will certainly miss his energy, his wisdom and his dedication next year.

Mr. Speaker, I urge passage of this bill.

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time to the gentleman from Washington [Mr. MILLER], the sponsor of this legislation.

Mr. MILLER of Washington. Mr. Speaker, I thank my colleague, the ranking member, the gentleman from Michigan, for yielding me this time, and I thank him for his kind words. It has been a pleasure to serve with him on the committee.

I want to thank all my colleagues on the Foreign Affairs Committee for helping to bring this bill to the floor, particularly Chairman FASCELL, Ranking Member BROOMFIELD and Congressman BERMAN.

This bill is not only sponsored by myself, it is sponsored by the whole Washington State delegation and by the gentleman from Oregon [Mr. WYDEN].

The concept that this bill advocates is supported by the administration.

Let me just briefly describe for my colleagues the why's and wherefore's of this bill.

The region west of the Cascade Mountains in the Pacific Northwest is known as Cascadia. There is a corridor within that region running from Vancouver, BC, down to Eugene, OR. It is an area of incredible growth. The demographers are predicting that in the next several decades the population growth in that corridor percentage wise may be the greatest on the North American Continent. That comes about in part because of the desirable environment of the area, in part because of the Canadian-American Free-Trade Agreement and other reasons.

Just to give you one statistic, in 1986 the vehicular border crossings at Blaine, WA, in this corridor across the Canadian-American border were 5 million, approximately 5 million. That was 1986.

□ 2110

In 1992, this year, it is 11 million, and the Customs Office tells me that in the year 2000 they are projecting 28 million. That gives my colleagues an idea of the growth.

However, Mr. Speaker, with that growth there can be tremendous challenge if we are going to preserve and sustain the environment of the Cascadia region. That is what this commission is about.

What we have here is a bill that puts the Federal Government behind setting up an advisory body that would bring Federal, State, provincial, local, officials to the table in a forum to discuss the environmental, transportation, economic challenges in the Cascadia Corridor region and allow them to together propose strategies to meet these challenges.

Mr. Speaker, I thank my colleagues for their help on this, and I ask for a favorable vote.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New York [Mr. ENGEL] that the House suspend the rules and pass the bill, H.R. 6077.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING SENSE OF CONGRESS THAT U.S. SHOULD DEVELOP NATIONAL STRATEGY IMPLEMENTING EARTH SUMMIT AGREEMENTS

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 353) expressing the sense of the Congress that the United States should assume a strong leadership role in implementing the decisions made at the Earth summit by developing a national strategy to implement Agenda 21 and other Earth summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in a high-level U.N. Sustainable Development Commission, as amended.

The Clerk read as follows:

H. CON. RES. 353

Whereas the United Nations Conference on Environment and Development (hereinafter in this preamble referred to as "UNCED"), known as the Earth Summit, assembled in June of 1992 in Rio de Janeiro, Brazil, the largest summit of heads of state in history and outlined a comprehensive action plan for environmentally sustainable development, known as Agenda 21;

Whereas the United States has a strong national interest in the environmental sustainability of global economic development, and many pressing environmental and economic problems are inherently transboundary and not susceptible to resolution by the actions of any single nation acting alone;

Whereas Agenda 21, a plan of national and international actions to integrate environment and development, negotiated and adopted by the United States and 177 other countries, offers a significant starting point for continuing progress in avoiding environmental degradation and social and economic disintegration in the 21st century;

Whereas the role of the United States, as a major economic force and a country that has long been in the forefront of environmental protection activities nationally and internationally, should be one of leadership and positive action in the implementation process of Agenda 21 and all decisions of UNCED;

Whereas Agenda 21 urges all governments to adopt national strategies for sustainable development;

Whereas Agenda 21 urges all countries to "make significant progress" in incorporating environmental costs into economic decisions, to undertake research or sustainable production methods and consumption patterns, and to undertake other actions to make their economies more environmentally sustainable;

Whereas Agenda 21 calls for a "supportive international climate for achieving environment and development goals," by "providing adequate financial resources to developing countries and dealing with international debt," and calls for "the reallocation of resources presently committed to military purposes" to support United States policies and the efforts of developing countries to implement Agenda 21;

Whereas UNCED recommended that high-level United Nations Commission on Sustainable Development (hereinafter in this preamble referred to as the "Commission") be established by the 47th United Nations General Assembly to provide a vital forum in which the member states of the United Nations may review progress made by considering reports from national governments, international organizations, and nongovernmental organizations;

Whereas the United States was an active and positive participant in UNCED negotiations regarding the Commission, and will play a major role in the decisions of the 47th United Nations General Assembly regarding the specific modalities and effectiveness of the Commission;

Whereas the agreements adopted at UNCED are milestones toward the achievement of environmentally sustainable economic development and for holding governments accountable for progress toward integrating environment and development;

Whereas many opportunities for agreements concerning more extensive actions on critical issues remained unresolved at UNCED and will require further attention by the nations of the world; and

Whereas the ultimate success of achieving sustainable development and a healthy environment at the national and international levels depends upon actions taken at the State and local community levels, and on actions by schools, public offices, businesses, and citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) effective follow-up to achieve the many goals of the agreements reached at the United Nations Conference on Environment and Development (hereinafter in this resolution referred to as "UNCED") will depend on the following actions by the President and the United States Government:

(a) The United States should adopt a national strategy for environmentally sustainable development, based on an extensive process of nationwide consultations with all interested organizations and individuals, including State and local governments, nongovernmental organization, businesses, and labor groups.

(B) The United States Government should encourage and facilitate, at all levels of community and sectors of society, appropriate means for adopting individual Agenda 21 plans of action, including the establishment of local, county, State, business, and other boards and commissions for achieving sustainable development. Each member of the Congress should help initiate this process within their States or districts.

(C) The President should establish an effective mechanism to plan, initiate, and coordinate United States policy for implementing Agenda 21. Responsibility should be vested in a duly constituted office, headed by an appropriate high level official, and the necessary staff support structure should be provided.

(D) Policies should be formulated for foreign policy and foreign assistance in order to help developing countries, and for domestic actions in order to assure appropriate action by the United States to implement Agenda 21;

(2) in order to contribute to a transition to a sustainable United States economy, the research and policy initiatives urged in Agenda 21 should be pursued, including research on sustainable consumption and production patterns, creation of a policy framework for sustainable consumption patterns, identification of a strategy to eliminate or reduce subsidies for unsustainable natural resource exploitation, and to improve pricing policies;

(3) the Congress should adopt a plan to reallocate an appropriate amount of savings from reduced defense spending in order to achieve its goals of global environmental protection and sustainable development over the next decade;

(4) the President should urge and actively participate in new and existing multilateral efforts aimed at creating a more favorable international economic climate for developing countries to practice sustainable *development, and such* efforts should include international consultations regarding reduction in developing country debt linked with environmental policy reforms, and increased loans and concessional assistance upon de-

velopment and implementation of national sustainable development strategies in developing countries;

(5) the United States should actively support, at the 47th United Nations General Assembly, the effective establishment of a high-level United Nations Commission on Sustainable Development (hereinafter in this resolution referred to as the "Commission"), including the establishment of provisions for meaningful participation by organizations of the United Nations system, international financial institutions, and other relevant intergovernmental organizations and nongovernmental organizations recommended by UNCED;

(6) the President should affirm strong United States commitment to the Commission by appointing a high-level representative from the United States to the Commission, and by encouraging the United Nations Secretary General to appoint an Under Secretary General for Sustainable Development to coordinate the implementation of Agenda 21 in the United Nations system and *to* head the secretariat support structure for the Commission;

(7) the President should submit a national report for the Commission on activities the United States has undertaken to implement Agenda 21, both domestically and internationally, on progress made toward fulfilling other commitments undertaken at UNCED, and on other environmental and developmental issues that the United States finds relevant, and should strongly encourage all United Nations members to submit national reports;

(8) the United States should *encourage the Commission* to call for periodic international meetings to continue the process toward developing and advancing international agreement to facilitate sustainable economic development for the protection of the global environment and the promotion of human dignity of current and future generations; and

(9) the President should submit an annual report to the Congress on the steps taken by the United States to implement Agenda 21 and the recommendations made by this *resolution, and* should make information regarding such steps available to members of the Congress upon their request.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ENGEL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 353, expressing the sense of the Congress that the United States should assume a strong leadership role in implementing the decisions made at the Earth summit in Rio de Janeiro by developing a national strategy to implement Agenda 21 and other Earth summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in a high-level U.N. Sustainable Development Commission, as amended.

The Brazil meeting of the U.N. Conference on Environment and Development [UNCED], in June, marked global concurrence on the need to better integrate environmental and developmental activities, and presented a plan to achieve it. Some 175 countries gave their approval to the comprehensive program of action known as Agenda 21. The task now before nations is to implement the precepts of that document, which will be a demanding, yet necessary, endeavor if the world's development is to be viable and endure. Each nation must do its part. The resolution now before the House, House Concurrent Resolution 353, as amended, is an effort to get the U.S. process in gear.

At the outset I would like to commend my distinguished colleague, the chief sponsor of the resolution, the Honorable NANCY PELOSI for her leadership and interest in shaping this very significant measure. It has been 4 months since the Rio summit, and it is very important that Congress show its commitment to effective implementation of the UNCED initiatives.

I also wish to commend the chairman and ranking minority member of the Subcommittee on Human Rights and International Organizations, the Honorables GUS YATRON, and DOUG BEREUTER for their support in expediting consideration of this measure, and their continuing efforts on behalf of environment and development.

The text of House Concurrent Resolution 353, as amended, highlights congressional sentiments on behalf of achieving the UNCED objective of environmentally sustainable development. It recognizes that the ultimate success of UNCED is dependent on actions taken at all levels: international, national, state, local, public, private, and individual. Specifically, it calls for the following:

A national strategy, based on countrywide consultations with a broad diversity of interests, and with efforts to engage all sectors, and levels in the process.

A Presidential plan for coordinating U.S. policy to implement agenda 21;

Formulation of domestic and foreign policies, including foreign aid, to implement agenda 21;

Research on sustainable consumption and production patterns, creation of an appropriate policy framework, and a strategy to cut subsidies which promote degradation of the resource base;

A Congressional plan to reallocate defense savings to environmentally sustainable development;

Active U.S. support at the U.N. General Assembly for the Sustainable Development Commission, including provisions for meaningful participation by other U.N. entities, international financial institutions, and NGO's;

Presidential affirmation of a strong U.S. commitment to the Commission by appointing a high-level American to that body, and by encouraging the U.N. Secretary General to appoint an Under Secretary General for Sustainable Development to coordinate and implement Agenda 21;

Submission of a national report, by the President, on U.S. domestic and international activities, to implement agenda 21, fulfill other UNCED initiatives, and encourage other nations to also submit national reports; and

An annual report to Congress on measures to implement agenda 21, and the recommendations of this resolution.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 353, as amended.

Mr. Speaker, I yield such time as she may consume to the sponsor of the resolution, the gentlewoman from California [Ms. PELOSI], to explain the resolution.

Ms. PELOSI. Mr. Speaker, Mr. FASCELL, Mr. BROOMFIELD, Mr. YATRON, Mr. BEREUTER, and members of the Foreign Affairs Committee, are to be commended for their efforts to expedite consideration of this legislation.

The Earth Summit Environmental Leadership Act, presents us with the opportunity to follow up on the important work of the Earth summit to develop its blueprint—agenda 21—for global environmental action.

House Concurrent Resolution 353 outlines a comprehensive national strategy for sustainable development, in accordance with the principles of agenda 21, to be coordinated under the leadership of a specific office and the direction of a high-level government official.

The resolution also urges the United States to identify and initiate further agreements to protect the global environment and to support the creation of a high-level U.N. Sustainable Development Commission headed by an Undersecretary General. The President is urged to report to Congress on the progress of these steps.

House Concurrent Resolution 353 is supported by the administration. I have been in contact with the appropriate offices of the State Department and have incorporated their suggestions in the resolution. The 71 cosponsors of this measure include one-half the members of the Foreign Affairs Committee and all of the House delegates to the Earth summit. It is also supported by the major United States' nongovernmental organizations.

The Earth summit presented world leaders with an opportunity that should not be lost. We must now embark on a new course that will sustain our planet and its resources for the benefit of future generations. This resolution calls on the United States to assert its leadership to achieve this goal.

I urge my colleagues to support this resolution. Thank you, again, to Mem-

bers of the Foreign Affairs Committee, for their recognition of the importance and timeliness of this resolution.

We must make the promise of Rio a reality.

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

Mr. BROOMFIELD. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution, which expresses the sense of Congress with respect to implementing the decisions of the recent U.N. Conference on Environment and Development.

I wish to commend the gentlelady from California, Congresswoman PELOSI, for her sponsorship of the resolution.

Mr. Speaker, despite all the criticism of administration policy toward the Earth summit, the fact is that the U.S. Government made a very constructive contribution in Rio and in the talks that led up to the meeting in Rio.

Largely as a result, the conference adopted four major items: The Rio Declaration on Environment and Development; the lengthy action plan referred to as Agenda 21; the U.N. Framework Convention on Climate Change; and nonbinding but authoritative principles for the management and conservation of forest resources.

In addition, the conference adopted the U.N. Biodiversity Convention, which the administration decided not to join at this time. This was due to concerns about intellectual property and also the decisionmaking and funding mechanism.

The administration has already made a good beginning in implementing the results of the conference:

During the talks on climate, the administration pledged $75 million for related projects in developing countries including the development of national plans;

The President announced that the United States would have our own national plan on climate ready by the end of the year in order to start international consultations in January 1993.

The President announced a forests-for-the-future initiative to double worldwide forestry assistance, beginning with a $150 million additional U.S. contribution.

The administration is preparing for consideration by the U.N. General Assembly of establishment of the Sustainable Development Commission called for in Rio, and is working on an interagency basis to formulate further plans to implement the other recommendations of the conference.

The good start made by the administration shows that the United States is serious about international cooperation to address global environmental problems. The resolution before us calls for similar measures to implement the recommendations of the Rio conference.

The State Department supports the provisions of this resolution, which are fully consistent with U.S. policy toward implementing the results of the Earth summit. Ms. PELOSI should be further commended for her cooperative attitude on the issues that were raised by the Department at an earlier stage in the consideration of this resolution.

Mr. Speaker, I was appointed to the Earth summit observer delegation. Although I did not actually attend the Conference, I followed the proceedings in other ways.

Recently I had the opportunity to contribute an article on these matters to a magazine called Michigan International Lawyer. I include this summary of my views for inclusion in the RECORD at the conclusion of my remarks.

"IT STARTED IN RIO": INTERNATIONAL ENVIRONMENTAL LAW AFTER THE EARTH SUMMIT

By the Honorable William S. Broomfield

The United Nations Conference on Environment and Development (UNCED) or "Earth Summit," which took place in Rio de Janeiro during June, will undoubtedly be remembered as a milestone in international environmental law and politics. Whether or not the agreements reached in Rio mark the trail toward real solutions for global environmental problems, the negotiations will serve as a benchmark for future international relations on the subject of the environment.

As will be familiar to anyone who followed press reports of the conference, the Earth Summit was characterized by a variety of disagreements among the industrialized countries (the "North"), and between them and the poorer countries (the "South"), concerning responsibility for global environmental problems and how to address them. Despite traditional U.S. leadership in the environmental area, the governments of many other countries—not to mention environmental activists and the press—were highly critical of U.S. policies and positions.

UNCED had an ambitious agenda, including several major documents discussed below. Throughout these complex negotiations, however, a small group of issues were at the core of discussion: whether the advanced industrial countries should adopt specific "targets and timetables" for reducing pollution, especially emissions of carbon dioxide (CO_2) and other gases that contribute to potential global climate warming; whether developing countries should expect "new and additional" financial resources from the North as the price of taking action for the environment; and whether the South should obtain technology on "preferential and noncommercial" terms.

Thus, the Earth Summit came to be at least as much about development as environment. Apart from steps by the industrialized countries to reduce greenhouse gas (GHG) emissions, the primary issues concerned demands by the South for money and technology. How is it that these issues, which are related to earlier calls for a "New International Economic Order," came to the forefront at UNCED?

The pattern was actually set when concern over the discovery of the hole in the stratospheric ozone over the Antarctic in the late 1970's quickly led to a series of international actions. After it was discovered that depletion of stratospheric ozone is primarily caused by chlorofluorocarbons (CFC's) and certain other industrial chemicals, the international community reacted by adopting the Vienna Convention for the Protection of the Ozone Layer and then successive agreements, including the Montreal Protocol on Substances that Deplete the Ozone Layer, which provide for a phaseout of CFC's and other ozone-depleting chemicals.

It soon became obvious to the poorer countries that they had new leverage over the North as a result of emerging concerns about the global environment. While production and use of CFC's and other ozone-destroying chemicals overwhelmingly take place in Industrialized nations, a solution to this problem has to be worldwide. Not only is it necessary to phase out CFC's and similar chemicals everywhere, but economic growth in the developing countries would otherwise actually lead to a proliferation of these chemicals. The nations of the South realized that they could demand compensation as the price of agreeing to cooperate in protecting the global environment. In the case of the Montreal Protocol, they were successfully able to demand that the richer countries make good the incremental costs of substituting for CFC's and similar substances as well as the refrigeration and other equipment in which they are used.

Aside from the fact that 1992 is the twentieth anniversary year of the Stockholm Conference on the Human Environment, the idea of holding a new world conference was given impetus by increasing world concern about several other environmental problems of global significance. These included potential climate change (global warming) as a result of increasing GHG levels; the loss of biological diversity ("biodiversity") around the world, especially as a result of deforestation and other threats to wildlife habitat; and a general loss of productive potential, especially in the South, resulting from the expansion of human settlements and overexploitation of renewable resources such as forests and soils.

The outcome of the various negotiations which culminated in Rio was not wholly satisfactory to any party of interest. While public failure was averted, most participants went away at least partially disappointed. Nevertheless, the renewed attention to international environmental concerns that resulted from the conference and the acceptance of certain principals and commitments there may contribute to the resolution of global environmental issues in the future. To understand the results of the conference, however, it is necessary to look at the five key items under discussion:

(1) CONFERENCE DECLARATION

The parties agreed to a broad set of principles known as the Rio Declaration on Environment and Development. The North, including the United States, had sought a more concise and inspirational document, or "Earth Charter", that would help raise public consciousness about the importance of environmental protection. But the South insisted on recognition of several points, including national sovereignty over natural resources and a "right to development." Ultimately, the North agreed, and even accepted an acknowledgment of responsibility for current global environmental problems. Even so, the most the South would agree to in terms of environmental protection is that all nations are "common but differentiated responsibilities."

(2) AGENDA 21

This several-hundred page document is supposed to serve as a guide for action into

the 21st century. In addition to numerous chapters on specific issues, it also contains key language on financial commitments and new institutions. Implementing the various actions contained in Agenda 21 would take $125 billion or more in external support, but clearly many if not most of them cannot be addressed without major private sector involvement. About half the necessary funds would be made available if the richer countries met the target of 0.7% of gross national product previously established by the U.N. General Assembly for foreign aid; the rest would have to come from additional contributions. The United States went along with these statements, but only after noting that it had never agreed to the 0.7% level in the first place and that the new and additional resources required for the remainder would have to include voluntary government contributions as well as private efforts.

On institutions, the United States was largely successful in preventing duplication of effort by obtaining agreement to assign oversight responsibilities to a new committee of the existing U.N. Economic and Social Council (ECOSOC). One of the more interesting developments at UNCED, however, was the creation of a Sustainable Development Commission, which will provide a forum for debate on related issues, with input from non-governmental organizations (NGO's). Due to concerns of the richer countries, financial administration of additional environmental projects will be through an expanded Global Environment Facility (GEF) in the World Bank, for which new management arrangements will be worked out.

(3) CLIMATE CHANGE

Prior to the Rio meeting itself, the best-known item under discussion was the U.N. Framework Convention on Climate Change. The U.S. Administration was roundly criticized by other industrialized countries, particularly in the European Community, as well as environmentalists, for its refusal to agree to targets and timetables for the reduction of GHG emissions, particularly the proposed stabilization of CO_2 emissions at 1990 levels by the year 2000. The Administration was also criticized by developing countries, as well as others, for its reluctance to make commitments on providing new and additional financial resources or transferring technology.

The Bush Administration was ultimately successful in preventing inclusion of a specific pledge on CO_2 emissions, although it did agree to the goal of reducing overall GHG emissions to 1990 levels. The Administration succeeded in obtaining provisions requiring submission of national plans describing measures to respond to potential global climate change. The Administration also agreed to provide new financial resources, but on a voluntary basis; at the last meeting of the International Negotiating Committee, the Administration announced a $75 million package of assistance for developing countries, including a $50 million contribution to the GEF and $25 million over two years to assist in the development of national plans.

The Bush Administration was subjected to unrelenting criticism by European officials, environmentalists, certain members of Congress and others for its refusal to accept a CO_2 stabilization requirement as part of the Framework Convention. Aside from the fact that greenhouse warming still has not been scientifically detected, however, the Administration has other points in its favor:

First, the other nations urging adoption of such a requirement had no concrete plans to meet it and were in fact relying on a variety of schemes that were either questionable or self-interested. Japan was basing its projections on an unsustainable expansion of nuclear power capacity; France had similar plans and also hoped to increase electricity exports from its nuclear plants; Germany would probably rely on the elimination of subsidies to coal miners.

Second, U.S. emissions of CO_2 and other GHG's will probably stabilize at or around 1990 levels in any event. This was documented during the negotiations and is to be demonstrated in the U.S. national plan to be submitted pursuant to the Convention. Adopting a binding commitment, however, could have unforeseeable effects on the economy. If the Administration had agreed to make CO_2 stabilization a legal requirement, Congress was poised to enact it into law without even specifying how to achieve it.

Third, it is important to recall the way the international community responded to the threat to the ozone layer—a much more immediate, well-documented, and specific environmental threat. Agreement was initially reached on general principles through the Vienna Convention; only after these were specific requirements adopted through the Montreal Protocol and other agreements. Similarly, through adoption of the Framework Convention, the nations of the world have not only accepted general obligations of climate for the first time, but also have put in motion a process for responding to emerging developments on climate.

(4) BIODIVERSITY

Perhaps since the climate agreement had already been worked out, the Bush Administration's decision not to sign the Convention on Biodiversity that was finalized shortly before Rio became the lightning rod for criticism of U.S. policy. The Administration's decision was undercut as a result of a leak which disclosed that the chief U.S. negotiator, Environmental Protection Agency Administrator William Reilly had recommended pursuing an offer to reopen the text of this agreement.

The Administration had given notice of its intention not to sign the Biodiversity Convention unless certain problems were corrected; these included uncertain financial arrangements, an unnecessary focus on biotechnology, and failure to provide adequate recognition and protection to intellectual property rights (IPR), including patents. But the President and other senior officials never really explained the basis of their decision, leaving the impression that the United States was unwilling to participate in cooperative international agreements to protect the environment.

Actually, the Administration's objections to the Biodiversity Convention have merit. Much of the Convention represents a concerted attempt by the South, particularly those countries with large tropical forests and other natural areas, to capture the benefits of modern advances in biological technology. In fact, the basic provisions on protecting biodiversity are very vague and, in the case of the developing countries, made expressly conditional upon financial resources and transfer of technology.

The special focus on biotechnology in the Convention was unacceptable to the Administration because it considers this a special growth sector in the U.S. economy and has consistently argued (with considerable scientific support) that products of bio-technology should not be regulated differently from other items. With respect to IPR, the Administration was concerned about provisions, such as that in Article 16, which attempt to establish conditions for access to biological resources—*viz.*, "concessional and preferential terms where mutually agreed, . . . including technology protected by patents and other intellectual property rights . . .".

In fact, the emerging scientific interest in biological resources holds the promise that they can be better protected through being more highly valued for commercial purposes. However, experience including the oft-cited cooperative agreement between the Merck Pharmaceutical Company and the government of Costa Rica shows that such arrangements must be kept general at the outset in view of the many uncertainties in drug discovery, approval and marketing. Imposing onerous and time-consuming approval processes and negotiations at the front end will only serve to lessen the incentive for "chemical prospecting" in poorer countries and detract from conservation efforts.

(5) FORESTS

Despite opposition from countries like Malaysia with large tropical forests, the United States was successful in obtaining agreement to an authoritative but non-binding set of principles on the management of forest resources. It is unfortunate that more was not achieved on this subject, since the forests of the world are key reservoirs of biological diversity. Shortly before attending the Rio conference, the President announced that the United States would raise its assistance for forest conservation by $150 million per year as part of a multilateral program to double international support.

CONCLUSION

While there were successes in Rio, the Bush Administration came under criticism from virtually every quarter. Much of this was self-serving; despite our relatively high levels of energy consumption, the U.S. record on environmental protection is surely among the finest in the world. The Administration was reluctant to take on additional environmental and financial commitments, however, due to the domestic economic situation and a belief that satisfying the demands of developing countries and environmental activists at Rio would be virtually impossible.

As things happened, it was just this reluctance to step forward on behalf of U.S. values and interests that opened the Administration to the most intense criticism. In addition to pointing to our undeniable record of environmental protection, the Administration should have more forcefully championed the importance of economic growth under free market and free trade conditions, as well as democratic institutions and citizen participation, as the pillars of true environmental protection. U.S. negotiators had worked hard to include these principles at appropriate places in the various agreements reached at UNCED. The Administration's basic approach and its objections to certain proposals were well-founded, but the caution it displayed encouraged criticism.

Only history can judge whether the Earth Summit leads to greater international efforts to protect the global environment. The discussions at Rio will, however, undoubtedly affect the world political and economic environment for many years to come.

□ 2120

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and

include therein extraneous material, on House Concurrent Resolution 353, as amended.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. ENGEL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 353, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ENTERPRISE FOR THE AMERICAS INITIATIVE

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4059) to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize additional functions within the Enterprise for the Americas Initiative, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4059

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 "Enterprise for the Americas Initiative Act of 1992".

SEC. 2. GOOD NEIGHBOR ENVIRONMENTAL ACT OF 1992.

Title VI of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738 and following) is amended by adding at the end the following new sections:

"SEC. 616. SALE OF QUALIFIED DEBT TO ELIGIBLE COUNTRIES.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—The President may sell to an eligible country up to 40 percent of such country's qualified debt, only if an amount of the local currency of such country (other than the price paid for the debt) equal to—

"(A) not less than 40 percent of the price paid for such debt by such eligible country, or

"(B) the difference between the price paid for such debt and the face value of such debt;

whichever is less, is used by such country through an Environmental Fund for eligible activities described in section 612.

"(2) ENVIRONMENTAL FUNDS.—For purposes of this section, the term 'Environmental Fund' means an Environmental Fund established under section 608. In the case of Mexico, such fund may be designated as the Good Neighbor Environmental Fund for the Border.

"(3) ESTABLISHMENT AND OPERATION OF ENVIRONMENTAL FUNDS.—The President should advise eligible countries on the procedures required to establish and operate the Environmental Funds required to be established under paragraph (1).

"(b) TERMS AND CONDITIONS.—The President shall establish the terms and conditions, including the amount to be paid by the eligible country, under which such country's qualified debt may be sold under this section.

"(c) APPROPRIATIONS REQUIREMENT.—The authorities provided by this section may be exercised only in such amounts and to such extent as is provided in advance in appropriations Acts.

"(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A sale of debt under this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

"(e) IMPLEMENTATION BY THE FACILITY.—A sale of debt authorized under this section shall be accomplished at the direction of the Facility. The Facility shall direct the Commodity Credit Corporation to carry out such sale. The Commodity Credit Corporation shall make an adjustment in its accounts to reflect the sale.

"(f) DEPOSIT OF PROCEEDS.—The proceeds from a sale of qualified debt under this section shall be deposited in the account or accounts established by the Commodity Credit Corporation for the repayment of such debt by the eligible country.

"(g) DEBTOR CONSULTATION.—Before any sale of qualified debt may occur under this section, the President should consult with the eligible country's government concerning such sale. The topics addressed in the consultation shall include the amount of qualified debt involved in the transaction and the uses to which funds made available as a result of the sale shall be applied.

"SEC. 617. SALE, REDUCTION, OR CANCELLATION OF QUALIFIED DEBT TO FACILITATE CERTAIN DEBT SWAPS.

"(a) AUTHORITY TO SELL, REDUCE, OR CANCEL QUALIFIED DEBT.—For the purpose of facilitating eligible debt swaps, the President, in accordance with this section—

"(1) may sell to an eligible purchaser (as determined pursuant to subsection (c)(1)) any qualified debt of an eligible country; or

"(2) may reduce or cancel eligible debt of an eligible country upon receipt of payment from an eligible payor (as determined under subsection (c)(2)).

"(b) TERMS AND CONDITIONS.—The President shall establish the terms and conditions under which qualified debt may be sold, reduced, or canceled pursuant to this section.

"(c) ELIGIBLE PURCHASERS AND ELIGIBLE PAYORS.—

"(1) SALES OF DEBT.—Qualified debt may be sold pursuant to subsection (a)(1) only to a purchaser who presents plans satisfactory to the President for using the debt for the purpose of engaging in eligible debt swaps.

"(2) REDUCTION OR CANCELLATION OF DEBT.—Qualified debt may be reduced or cancelled pursuant to subsection (a)(2) only if the payor presents plans satisfactory to the President for using such reduction or cancellation for the purpose of facilitating eligible debt swaps.

"(d) DEBTOR CONSULTATION AND RIGHT OF FIRST REFUSAL.—

"(1) CONSULTATION.—Before selling, reducing, or canceling any qualified debt of an eligible country pursuant to this section, the President should consult with that country concerning, among other things, the amount of debt to be sold, reduced, or canceled and the uses of such debt for eligible debt swaps.

"(2) RIGHT OF FIRST REFUSAL.—The qualified debt of an eligible country may be sold, reduced, or cancelled pursuant to this section only if that country has been offered the opportunity to purchase that debt pursuant to section 616 and has not accepted that offer.

"(e) LIMITATION.—In the aggregate, not more than 40 percent of the qualified debt of an eligible country may be sold, reduced, or cancelled under this section or sold under section 616.

"(f) ADMINISTRATION.—The Facility shall notify the Commodity Credit Corporation of purchasers and payors the President has determined to be eligible under subsection (c), and shall direct the corporation to carry out the sale, reduction, or cancellation of a qualified debt pursuant to this section. The Commodity Credit Corporation shall make an adjustment in its accounts to reflect such sale, reduction, or cancellation.

"(g) APPROPRIATIONS REQUIREMENT.—The authorities provided by this section may be exercised only in such amounts and to such extent as is provided in advance in appropriations Acts.

"(h) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of qualified debt pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such debt.

"(i) ELIGIBLE DEBT SWAPS.—As used in this section, the term 'eligible debt swap' means a debt-for-development swap or debt-for-nature swap.

"SEC. 618. NOTIFICATION TO CONGRESSIONAL COMMITTEES.

"(a) NOTICE OF NEGOTIATIONS.—The Secretary of State and the Secretary of the Treasury shall, in every feasible instance, notify the designated congressional committees not less than 15 days prior to any formal negotiation for debt relief under this title.

"(b) TRANSMITTAL OF TEXT OF AGREEMENTS.—The Secretary of State shall transmit to the designated congressional committees a copy of the text of any agreement with any foreign government which would result in any debt relief under this title no less than 30 days prior to its entry into force, together with a detailed justification of the interest of the United States in the proposed debt relief.

"(c) ANNUAL REPORT.—The Secretary of State or the Secretary of the Treasury, as appropriate, shall submit to the designated congressional committees not later than February 1 of each year a consolidated statement of the budgetary implications of all debt relief agreements entered into force under this title during the preceding fiscal year.

"(d) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term 'designated congressional committees' means the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 619. DEFINITION OF QUALIFIED DEBT.

"As used in sections 616, 617, and 618, the term 'qualified debt' means any obligation, or portion of such obligation, of an eligible country to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act or section 4(b) of the Food for Peace Act of 1966—

"(1) in which the Commodity Credit Corporation obtained a legal right or interest, as a result of assignment or subrogation, not later than September 1, 1992; and

"(2) the payment of which obligation has been, not later than September 1, 1992, rescheduled in accordance with principles set forth in an Agreed Minute of the Paris Club.

Such term includes the obligation to pay any interest which was due or accrued not later than September 1, 1992, and unpaid as of the date of a debt sale pursuant to section 616 or or a debt sale, reduction, or cancellation pursuant to section 617 (as the case may be).".

SEC. 3. ANNUAL REPORTS TO THE CONGRESS.

Section 614(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738mm(a)) is amended by adding at the end the following: "This report shall include—

"(1) a description of the activities undertaken by the Facility during the previous fiscal year;

"(2) a description of any Enviromental Framework Agreement entered into under this title;

"(3) a report on what Environmental Funds have been established under this title and on the operations of such Funds; and

"(4) a description of any grants that have been extended by administering bodies pursuant to an Enviromental Framework Agreement under this title.".

SEC. 4. CENTER FOR NORTH AMERICAN STUDIES.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a center, to be known as the Center For North American Studies, whose primary purpose shall be to promote better agricultural relationships among Canada, Mexico, and the United States through cooperative study, training, and research.

(b) LOCATION.—The Institute shall be located at an institution of higher education or at a consortium of such institutions.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1994 and such sums as may necessary for each of fiscal years 1995 and 1996.

SEC. 5. STUDY OF THE EFFECT OF FREE TRADE WITH LATIN AMERICAN AND CARIBBEAN COUNTRIES ON THE UNITED STATES ECONOMY.

The President shall transmit to the Congress, not later than 8 months after the date of the enactment of this Act, a study describing—

(1) in summary fashion, the likely effect on major United States industries and other sectors, including agriculture, that could be most affected by a hemispherical free trade zone with Latin American and Caribbean countries;

(2) the regions in the United States that would be most affected by a hemispherical free trade zone with Latin American and Caribbean countries and, in summary fashion, the nature of these effects;

(3) the extent to which horticultural exports from Latin American and Caribbean countries complement or compete with United States production;

(4) a country-by-country overview of recent economic developments in Latin American and Caribbean countries significantly influencing United States relations with such countries, including present trade and investment patterns in these regions;

(5) the likely effect of a hemispherical free trade zone with Latin American and Caribbean countries on the United States economy and its multilateral interrelationship with other countries in the region, including Canada and Mexico;

(6) the extent to which manufactured products exported from Latin American and Caribbean countries complement or compete with United States production; and

(7) the likely effects of a hemispherical free trade zone with Latin American and Caribbean countries on existing environmental, agricultural, labor, and consumer protection laws and practices within the United States and within the other countries included in the zone.

SEC. 6. THE GOOD NEIGHBOR ENVIRONMENTAL BOARD.

(a) ESTABLISHMENT.—The President shall establish an advisory board to be known as the Good Neighbor Environmental Board (hereinafter in this section referred to as the "Board").

(b) PURPOSE.—The purpose of the Board shall be to advise the President and the Congress on the need for implementation of environmental and infrastructure projects (including projects that affect agriculture, rural development, and human nutrition) within the States of the United States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border.

(c) MEMBERSHIP.—The Board shall be composed of—

(1) representatives from the United States Government, including a representative from the Department of Agriculture and representatives from other appropriate agencies;

(2) representatives from the governments of the States of Arizona, California, New Mexico, and Texas; and

(3) representatives from private organizations, including community development, academic, health, environmental, and other nongovernmental entities with experience and expertise on environmental and infrastructure problems along the southwest border.

(d) ANNUAL REPORTS TO THE PRESIDENT AND CONGRESS.—

(1) IN GENERAL.—The Board shall submit to the President and the Congress of the United States an annual report on—

(A) the environmental and infrastructure projects referred to in subsection (a) that have been implemented, and

(B) the need for the implementation of additional environmental and infrastructure projects.

(2) TRANSMISSION OF COPIES TO BOARD MEMBERS.—The Board shall—

(A) transmit to each member of the Board a copy of any report to be submitted pursuant to paragraph (1) at least 14 days before its submission, and

(B) allow each member of the Board to have 14 days within which to prepare and submit supplemental views with respect to the recommendations of the Board for inclusion in such report.

Mr. SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes,

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4059, the Good Neighbor Environmental Act of 1992, establishes a workable and cost-effective way to help some of the countries of Latin America and the Caribbean finance environmental projects.

H.R. 4059 achieves this objective through an innovative approach that will help reduce our official debt exposure. It is an approach that promotes the improvement of environmental conditions in Latin America and the Caribbean. This bill thus creates a win-win situation for the U.S. taxpayer and for the cause of environmental quality.

Under H.R. 4059, the U.S. Treasury is authorized to accept payment immediately on a debt that—under Paris Club rescheduling terms—would not have to be paid back, in most cases, for another 5, 10, or 15 years.

The approach taken in this bill is what I would term a government-to-government, debt-for-environment swap. H.R. 4059 authorizes the President to sell at the market price up to 40 percent of the so-called Paris Club rescheduled debt owed by nine Latin American and Caribbean countries to the U.S. Department of Agriculture's Commodity Credit Corporation [CCC]. Among the countries that could use this mechanism are Mexico, Brazil, Chile, and Jamaica.

Up to approximately $500 million of the $1.4 billion owed to the CCC under the Paris Club agreement could be repurchased under the bill's provisions. However, a market rate sale can only take place if the debtor country agrees to commit an amount equivalent to 40 percent of the purchase price in local currency to finance eligible environmental projects in that country.

I would like to point out that this legislation can directly benefit the millions of Americans who live near the United States-Mexico border. H.R. 4059 allows the proceeds derived from Mexico's participation in this mechanism to be used to finance environmental projects along the United States-Mexico border and in the Gulf of Mexico. Thus, Mexican participation in this mechanism will benefit people on both sides of the border.

Mr. Speaker, the projects that could be undertaken through the financing made available under this legislation include both nature and development projects. An eligible project could be a local initiative to protect the environment or a project to improve human living conditions threatened by environmental degradation.

H.R. 4059 has another provision I would like to highlight. The legislation authorizes a comprehensive study on the potential effects of a free trade zone with Latin America and the Caribbean, as envisioned under the Enterprise for the Americas Initiative. This provision recognizes the need for Congress to have a comprehensive analysis done on the economic, labor, and environmental effects a hemispheric free trade zone may create.

Mr. Speaker, this legislation is a logical extension of the only part of the Enterprise for the Americas Initiative that has been authorized by the Congress—that is, the EAI provision to reduce Public Law 480 debt included in the 1990 Farm Act, and that was funded in the agricultural appropriations bill signed into law a month ago.

Mr. Speaker, I would like to thank the chairman, the gentleman from Florida [Mr. FASCELL], the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from New Jersey [Mr. TORRICELLI], the gentlemen from New Jersey [Mr. GEJDENSON], the gentleman from California [Mr. BERMAN], and all my colleagues on the Committee on Foreign Affairs, which received a sequential referral of the legislation, for their contributions and suggestions for fine-tuning this excellent bill. The ad-

ministration has expressed its support for passage of H.R. 4059.

Mr. Speaker, the United States, Mexico, and other Latin American countries have committed themselves to tackling the environmental problems they face within their border. Let's seize this opportunity to build upon the commitment in Mexico and other parts of Latin America and the Caribbean. I urge passage of the bill.

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

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4059, the Enterprise for the Americas Initiative. This bill puts into place a critical element of the Latin American policy designed by the President to improve the lives of all people of this hemisphere through market-oriented reforms and economic growth.

The Enterprise for the Americas Initiative moves us away from the handout policies of the past to the hand-up approach which will promote economic growth and democratic reform. It will focus our efforts on critical sectors of the Latin American and Caribbean economies, including community based conservation, sustainable use of the environment, and child survival and child health.

This legislation allows the President to undertake sales, reductions and swaps for eligible countries for Commodity Credit Corp. debt obligations.

Several aspects of H.R. 4059 will improve cooperation throughout the hemisphere. By creating a special United States-Mexico Environmental Board, we will develop greater cooperation and understanding of the environmental issues of our southern border.

I would like to salute the sponsors of the legislation, particularly the gentleman from Texas, Agriculture Committee Chairman DE LA GARZA, and the gentleman from Florida, Foreign Affairs Committee Chairman FASCELL, for their tireless efforts in crafting this legislation and bringing it before us today. I urge its prompt adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. de la GARZA] that the House suspend the rules and pass the bill, H.R. 4059, 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.

HAWAII TROPICAL FOREST RECOVERY ACT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 2679) to promote the recovery of Hawaii tropical forests, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2679

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 "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

"(1) the Institute of Pacific Islands Forestry; and

"(2) tropical forests in the State of Hawaii.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;

"(B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) the study of biological control of non-native species that degrade or destroy native forest ecosystems;

"(E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

"(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

"(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 606.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming and restoring degraded lands.

"SEC. 606. HAWAII EXPERIMENTAL TROPICAL FOREST.

"(a) DEFINITIONS.—As used in this section:

"(1) FOREST.—The term 'Forest' means the Hawaii Experimental Tropical Forest.

"(2) GOVERNOR.—The term 'Governor' means the Governor of Hawaii.

"(3) LANDS.—The term 'lands' means lands, waters, and interests in lands and waters.

"(4) STATE.—The term 'State' means the State of Hawaii.

"(b) ESTABLISHMENT AND MANAGEMENT.—At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

"(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

"(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

"(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

"(c) DELINEATION OF THE LOCATION OF THE FOREST.—

"(1) IDENTIFICATION OF LANDS.—The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

"(2) EXTERIOR BOUNDARIES.—The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Administrator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

"(d) AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—To carry out the purposes of this section, the Secretary is authorized—

"(A) to administer the Forest in cooperation with the Governor and affected State agencies;

"(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, nonprofit organizations and individuals;

"(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

"(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

"(i) for the purposes described in subsection (b);

"(ii) to protect persons within the Forest; and

"(iii) to preserve and protect the resources in the Forest.

"(2) LAND ACQUISITION.—The authority in section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) shall be available to the Secretary to carry out this section.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

"SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"SEC. 608. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(b)) is amended by striking "(hereinafter referred to in this title as the Secretary)".

(2) The heading of section 604 of such Act (16 U.S.C. 4503) is amended to read as follows:

"SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.".

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and conservation of tropical forests of the United States and to promote the development and transfer of technical, managerial, educational, and administrative skills to managers of tropical forests within or outside the United States, the Secretary of Agriculture is authorized to provide assistance through the Forest Service to eligible entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harvesting of native woods and other forest products on a sustainable yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protection or recovery;

(3) protect indigenous plant and animal species and essential watersheds from non-native animals, plants, and pathogens;

(4) establish biological control agents for non-native species that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements over time;

(6) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, pollution, fire, and non-native animal and plant species, and by the influence of people;

(7) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites; and

(8) engage in research, demonstration, education, training, and outreach that furthers the objectives of this subsection.

(b) FORM OF ASSISTANCE.—Assistance provided to eligible entities under this section may be in the form of grants, contracts, or cooperative agreements.

(c) DEFINITIONS.—As used in this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State forester or equivalent State official, State, political subdivision of a State, Federal agency, private organization, corporation, or other private person.

(2) STATE.—The term "State" means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the "Task Force") to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

(b) ACTION PLAN.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

(1) methods of restoring the health of declining or degraded tropical forest land;

(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii's tropical forests;

(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

(4) actions to—

(A) promote public awareness of tropical forest preservation;

(B) protect threatened and endangered species;

(C) improve forest management and planning; and

(D) promote public awareness of the harm caused by introduced species;

(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from non-native species, including the identification and priorities for the areas where these activities are appropriate;

(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii's tropical forests; and

(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

(c) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

(3) six members shall be appointed by the Governor of Hawaii, of whom—

(A) two members shall be private owners of tropical forest lands;

(B) two members shall be experts in the field of tropical forestry; and

(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

(d) INITIAL APPOINTMENTS.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

(g) COMPENSATION.—

(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(h) MEETINGS.—The Task Force shall meet not later than 180 days after the date of enactment of this Act and shall meet at the call of the Chairperson.

(i) VOTING.—The Task Force shall act and advise by majority vote.

(j) ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

(k) REPORT.—The action plan required under subsection (b) shall be submitted to—

(1) the Committees on Agriculture and Interior of the House of Representatives;

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

(3) the Secretary of Agriculture;

(4) the Secretary of the Interior; and

(5) the Governor of Hawaii.

(l) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

(m) TERMINATION.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

The Senate 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.

GENERAL LEAVE

Mr. DE LA GARZA. 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. 4059, as amended, and S. 2679.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONGRESSIONAL AWARD ACT AMENDMENTS OF 1992

Mr. OWENS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6049) to amend the Congressional Award Act to revise and extend authorities for the Congressional Award Board.

The Clerk read as follows:

H.R. 6049

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 "Congressional Award Act Amendments of 1992".

SEC. 2. REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.

Section 5 of the Congressional Award Act (2 U.S.C. 804) is amended by adding at the end the following subsection:

"(c)(1) The Director shall, in consultation with the Board, ensure that appropriate procedures for fiscal control and fund accounting are established for the financial operations of the Congressional Award Program, and that such operations are administered by personnel with expertise in accounting and financial management. Such personnel may be retained under contract. In carrying out this paragraph, the Director shall ensure that the liabilities of the Board do not, for any calendar year, exceed the assets of the Board.

"(2)(A) The Comptroller General of the United States shall determine, for calendar years 1993 and 1994, whether the Director has substantially complied with paragraph (1). The findings made by the Comptroller General under the preceding sentence shall be included in the first report submitted under section 8(b) after December 31, 1994.

"(B) If the Director fails to substantially comply with paragraph (1), the Board shall take such actions as may be necessary to prepare, pursuant to section 9, for the orderly cessation of the activities of the Board.".

SEC. 3. TERMINATION.

Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 1992" and inserting "October 1, 1995".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

GENERAL LEAVE

Mr. OWENS of New York. 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. 6049.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OWENS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6049, the Congressional Award Act Amendments of 1992, reauthorizes the Congressional Award Program—a program to recognize youth volunteer efforts within congressional districts.

Under the renewed leadership of the 34-member Board of Directors, the program continues to thrive and grow. Although the program has made great strides since its reauthorization 2 years ago, there is still a need for stronger internal financial controls. Therefore, H.R. 6049 amends current law to ensure that appropriate fiscal procedures are implemented.

I urge a unanimous vote for this bipartisan legislation.

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

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to passage of H.R. 6049, the Congressional Award Act which will reauthorize the Congressional Award Program for 3 years at no cost to the taxpayer. This program is a youth volunteer program and spends no Federal funds.

H.R. 6049 requires the Director of the Congressional Award Program to establish financial procedures for fiscal control and accounting to be administered by personnel with expertise in accounting and financial management. The General Accounting Office recommended that such controls be implemented in order for this program to be made more accountable. If such controls are not implemented and effective within 2 years, the Congressional Award Board shall take steps to termine. I would like to submit the letter from the General Accounting Office recommending that such financial controls be established. This is a noncontroversial bill and I urge that it be passed.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, June 23, 1992.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate.

Hon. MAJOR R. OWENS,
Chairman, Subcommittee on Select Education, Committee on Education and Labor, House of Representatives.

In response to your May 7, 1992, joint letter, we are providing information on the Congressional Award Foundation. Specifically, you asked that we provide our assessment of three issues related to the financial condition and management of the Foundation—the accuracy of the Foundation's 1991 financial statements, the effectiveness of the Foundation's financial management, and the Foundation's ability to operate in a financially sound manner.

During the first 4 months of calendar year 1992, the Foundation received increased contributions, which improved its financial position and ability to meet obligations in a timely manner. However, the Foundation continues to experience several lingering internal control problems, including problems in preparing its financial statements. The Foundation's ability to operate in a financially sound manner depends, in part, on its ability to strengthen its internal controls, specifically by hiring or otherwise acquiring access to staff with increased financial management expertise.

The Congressional Award Foundation was established in 1979 under Public Law 96-114 and is a private, nonprofit, tax-exempt organization established to promote initiative, achievement, and excellence among youth in areas of public service, personal development, and physical fitness. Public Law 101-525 reauthorized the Foundation's existence through September 1992. The Foundation is administered by a board of directors, which currently consists of 34 members.

At the time of your request, we were in the midst of completing our audit of the Congressional Award Foundation's 1990 financial statements and had not yet begun an audit of the 1991 statements. To respond to your request, we delayed completing our audit of the 1990 statements and instead performed certain procedures related to the statements included in the Foundation's 1991 annual report.

We interviewed Foundation officials and accounting staff, analyzed information contained in the financial statements, and reviewed supporting documentation, such as written policies and procedures, bank deposits, bank statements, invoices, and canceled checks. We performed our work from May 1992 through June 1992 in accordance with generally accepted government auditing standards. We discussed the results of our work with the responsible Foundation officials and have incorporated their comments where appropriate. We did not, however, verify the accuracy of all financial statement amounts.

ACCURACY OF THE FOUNDATION'S 1991 FINANCIAL STATEMENTS

The Foundation's 1991 financial statements contained several inaccuracies. In particular, the Foundation's fund balance on one statement was materially incorrect, and the statements did not adequately disclose certain financial transactions. Some examples follow.

In its Statement of Revenue and Expenses and Change in Fund Balance for the year ended December 31, 1991, the Foundation incorrectly reported a positive fund balance of more than $32,000. In its Statement of Financial Position, however, the Foundation correctly reported that if finished 1991 with a negative fund balance of more than $19,000. Foundation officials told us this inconsistency was caused by a mathematical error.

The Statement of Financial Position showed a loan payable of $50,000, but did not disclose the source, terms, or purpose of the loan. The loan was an interest-free loan from a relative of a Board member. Generally accepted accounting principles require that the statements disclose the terms of the loan and its related-party nature.

Restricted and unrestricted funds were not properly segregated in conformity with generally accepted accounting principles. Such segregation identifies any limits on use of funds for carrying out the Foundation's objectives and operations.

The Foundation did not disclose that in 1991 it was late in filing required information with the Internal Revenue Service and in paying federal withholding taxes. The Internal Revenue Service assessed the Foundation penalties for similar problems in 1990.

EFFECTIVENESS OF THE FOUNDATION'S FINANCIAL MANAGEMENT

The Foundation has continued to experience several lingering internal control problems which could detract from its ability to effectively and efficiently carry out its program responsibilities. We believe that the Foundation's ability to correct these problems depends on its ability to hire or otherwise acquire access to staff with increased financial management expertise.

Inadequate segregation of duties

The Foundation did not have adequate internal controls over the receipt and handling of contribution funds. As a result, the Foundation was subject to the risk that contribution funds might be misappropriated or lost.

Duties involving the receipt of funds must be segregated to reduce the opportunities which allow a person to perpetrate and conceal errors or irregularities in the normal course of his or her duties. Duties should be assigned so that the same person is not responsible for receiving funds and for maintaining and accounting for them. In May 1991, we met with Foundation officials and made suggestions to change the procedures over the receipt of funds. Specifically, we suggested that one person open the mail and prepare an adding machine tape of all funds and another prepare the bank deposits. Control over the funds would be further strengthened by comparing the adding machine tape and the accounting records prepared by the people.

However, based on our review of related accounting records for September 1991 through March 1992, the Foundation did not always have evidence that it properly segregated the receipt and handling of contributions. In particular, adding machine tapes were not always initialed to indicate that the person who opened the mail and received contributions was not the same person who prepared the bank deposits.

Inadequate control over fixed assets

The Foundation did not adequately control fixed assets, increasing the risk that the assets could be lost or stolen. We also identified problems with fixed assets in our reports on the Foundation's 1987 and 1989 financial statements.[1]

The Foundation has developed written policies and procedures for depreciating fixed assets and now maintains a list of fixed assets. However, the Foundation has not tagged or otherwise identified all of its fixed assets or their locations, thus exposing them to theft or other loss.

Inadequate control over disbursements

The Foundation did not maintain subsidiary records for disbursements, nor do we believe it always conducted sufficient analyses of invoices before paying bills. As a result, the Foundation ran an unusually high risk of making incorrect disbursements. In fact, we found one instance in which the Foundation overpaid 1 month's charges for leased equipment and one instance in which the Foundation paid duplicate invoices for the same service.

As discussed later, these problems were further exacerbated by the Foundation's late payment of many bills, resulting in a number of past due notices and increased paperwork. Foundation officials acknowledged the disbursement problems, but believed that recent improvement in the Foundation's cash flow would help to enable timely bill payment.

Inadequate financial management staffing

For several years, the Foundation has struggled with repeated financial management problems. For example, in our report on the Foundation's 1987 financial statements (GAO/AFMD-89-14), we disclosed two material internal control weaknesses regarding safeguarding of assets and reimbursement of the National Director's expenses. The Foundation has acknowledged problems and has resolved some of them. However, the Foundation has not been able to institutionalize the reforms necessary to ensure contributors and others that Foundation funds are handled and accounted for in a manner that reduces the risk for fraud, waste, and mismanagement.

The key Foundation official responsible for financial management is also responsible for other important but not directly related functions, such as formulating policies, performing fundraising activities, and managing Foundation programs. Foundation officials strongly agree that hiring or otherwise acquiring access to staff with increased financial management expertise would be an important step in the right direction, and told us they are considering a number of options for doing that. Such staff should be responsible for designing, implementing, and evaluating the effectiveness of the Foundation's internal controls, including accounting for the Foundation's operations and activities and preparing the Foundation's financial statements.

THE FOUNDATION'S ABILITY TO OPERATE IN A FINANCIALLY SOUND MANNER

The Foundation reported that it ended 1991 with a negative fund balance. The Foundation acknowledged to us that it also had serious cash flow problems during the year and that, as a result, it was sometimes as much as 8 months late in paying many of its bills. However, Foundation officials said that increased contributions in 1992 and recent actions by the Board have helped to improve the Foundation's financial position and enabled timely bill payment.

The Foundation received about $109,000 in contributions during the first 4 months of calendar year 1992, well ahead of the pace set by the $182,000 it received for calendar year 1991. The Foundation attributed this increase to new, more active Board members and to the Foundation's success in attracting an increased number of new contributors.

In addition, the Board has taken a number of actions to reduce the Foundation's expenditures, thus further improving the Foundation's cash flow. For example, the Board instructed the Foundation to dispose of unneeded supplies and other material, thereby reducing the Foundation's expenditures for storage rental. It also froze and reduced some Foundation salaries indefinitely. Further, the Board began requiring its treasurer to receive weekly reports of receipts and disbursements to better allow the Board to review and control the Foundation's cash flow. We believe that these actions should help to reduce the Foundation's expenditures and to enhance oversight and direction by the Board.

We are resuming our audit of the Foundation's 1990 financial statements and will shortly begin our audit of the 1991 statements. Those audits will address the issues discussed in this letter and contain additional recommendations, if appropriate. Copies of those audits will be made available to you when completed.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we will not distribute it until 30 days from its date. At that time, we will make it available to interested parties.

If you or your staff have any questions or require additional information on the matters discussed in this report, please contact me at (202) 275-9489 or Rosemary Jellish, Assistant Director, at (202) 512-6920.

DAVID L. CLARK,
Director, Legislative Reviews and Audit Oversight.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OWENS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and pass the bill, H.R. 6049.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 5482, VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1992

Mr. OWENS of New York. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 5482) to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes.

[1] Congressional Award Program: Problems at the National Level Must Be Solved If the Program Is To Progress (GAO/AFMD-89-14, November 14, 1988) and Financial Audit: Congressional Award Foundation Financial Statements for 1989 (GAO/AFMD-91-25, April 30, 1991).

(For conference report and statement, see proceedings of the House of Thursday, October 1, 1992.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

GENERAL LEAVE

Mr. OWENS of New York. 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. 5482.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OWENS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge approval of the conference report to H.R. 5482, that reauthorizes the Rehabilitation Act of 1973. This bill represents a bipartisan effort to address specific needs that have come to our attention during this legislative process. Although this act provided many individuals with the opportunity to become independent and self-sufficient taxpayers, we must face the painful reality that even with the act in place, the unemployment rate among individuals with disabilities is staggering. This legislation enabled us to make significant inroads into what has been a legacy of employment discrimination. Changes were also made and new initiatives added to advance the cause of consumer empowerment and to facilitate and maximize opportunities for people with disabilities in order that they may have full control over their lives.

I am pleased that the House and Senate have reached agreement on the issues addressed by this bill. H.R. 5482 creates partnerships between providers and consumers to ensure a more consumer-driven system; rigorously changes language and references that inadvertently impose stigma and stereotype; increases the range of eligible services; facilitates greater participation of minorities by preparing them for careers in vocational rehabilitation, independent living, and related services; and bridges the critical transition from school to employment and independent community life.

The progressive legislation before the House is the result of lengthy negotiations, compromises, and hard work by both the House and Senate. I would like to thank Congressman BALLENGER, the ranking minority member, for his assistance during this process, as well as his outstanding staff member, Sally Lovejoy. Also, special thanks for the support of subcommittee members. I want to thank my staff and full committee staff member Alan Lovesee for their excellent work. Additionally, I wish to acknowledge the contributions made by many of the organizations working in the field of rehabilitation and disability policy. We can be proud of this bill for it represents our continued commitment to the empowerment of individuals with disabilities.

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

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this conference report which will improve vocational rehabilitation services to individuals with disabilities and ensure that such services will be provided with increased consumer control and provide better accountability to the programs being funded.

The Vocational Rehabilitation Act is the only program that provides comprehensive rehabilitation services to individuals with disabilities that enable them to seek employment and find a job. It is a program that has been highly successful in providing job opportunities to individuals with disabilities by making them more independent and productive taxpaying citizens.

To build upon this investment and its return and to move toward implementing many of the provisions required by the Americans with Disabilities Act, this conference report makes several changes which will increase access to this program through improved eligibility requirements, increase consumer control and choices, and improve rehabilitation services for individuals with the most severe disabilities.

I am particularly pleased to see that provisions of my bill, H.R. 4493, the Individuals with Disabilities Transportation Act, were included in this conference agreement as a demonstration program so that individuals with disabilities who have jobs, are seeking jobs, or who need vocational rehabilitation services, will have affordable, accessible transportation in order to keep and maintain employment. Workers who are disabled and choose to compete in the marketplace are often at a disadvantage when it comes to locating affordable transportation to their jobs. For these individuals, the cost of transportation consumes a large portion of their paycheck and creates a disincentive for them to seek employment. While the Americans with Disabilities Act requires that accessible transportation be provided to people with disabilities where there is fixed route transportation or comparable paratransit, there is no such requirement if there is no established public transportation. These demonstration grants will go a long way toward filling that gap.

While there are many other significant changes made to this act which I will not elaborate on, I am very pleased that such a large and important reauthorization was accomplished in a bipartisan manner. I support this legislation and urge my colleagues to support its passage.

Mr. BALLENGER. Mr. Speaker, I rise today to support this conference agreement on H.R. 5482, the Vocational Rehabilitation Act Amendments of 1992. We have been able to work our a bill which makes major improvements in the programs under the Rehabilitation Act to provide employment opportunities to individuals with disabilities. This is a bipartisan bill which the administration supports and which the disability community is behind. It has taken almost 2 years of work by Chairman OWENS, Mr. GOODLING, myself, and Members of the other body to bring such a comprehensive bill to conclusion. This conference report makes significant changes to the current law by improving accountability in the State Grant Program, the largest program under the act, improving eligibility requirements, reducing the time between when an individual enters the rehabilitation process and when he finds a job, increasing consumer control and choice both in determining what job or career they pursue and what services are provided to reach their goal, providing better coordination between special education and vocational rehabilitation, and providing incentives for business to participate in the rehabilitation process.

This is a good bill that will strengthen our economy by returning more individuals with disabilities to work. I support this bill and urge my colleagues to support it as well.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

Mr. OWENS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER, pro tempore (Mr. RICHARDSON). The question is in the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and agree to the conference report on the bill, H.R. 5482.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

MAKING CORRECTIONS IN ENROLLMENT OF H.R. 5482, VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1973

Mr. OWENS of New York. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 371) to make corrections in the enrollment of the bill, H.R. 5482, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I take this time to yield to the gentleman from New

York [Mr. OWENS] to explain his request.

Mr. OWENS of New York. Mr. Speaker, if the gentleman will yield this is a concurrent resolution which makes a technical correction to the statutory language for the conference report that we have just passed. It is noncontroversial, and I believe it has been agreed to by all parties.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, this correction has been cleared by the majority.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 371

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 5482) to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes, the Clerk of the House of Representatives shall make corrections in the bill as follows:

(1) In section 308 of the bill, strike subsection (e) of the section and insert the following:

(e) RELATIONSHIP TO SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) EDUCATIONAL AND VOCATIONAL REHABILITATION DEMONSTRATION PROJECTS REGARDING LOW-FUNCTIONING.—

"(1) GRANTS.—The Commissioner may make grants to public or private institutions to pay for the cost of developing special projects and demonstration projects to address the general education, counseling, vocational training, work transition, supported employment, job placement, followup, and community outreach needs of individuals who are either low-functioning and deaf or low-functioning and hard-of-hearing. Such projects shall provide educational and vocational rehabilitation services that are not otherwise available in the region involved and shall maximize the potential of such individuals, including individuals who are deaf and have additional severe disabilities.

"(2) MONITORING.—The Commissioner shall monitor the activities of the recipients of grants under this subsection to ensure that the recipients carry out the projects in accordance with paragraph (1), that the recipients coordinate the projects as described in paragraph (3), and that information about innovative methods of service delivery developed by such projects is disseminated.

"(3) ANNUAL REPORT.—The Commissioner shall prepare and submit an annual report to Congress that includes an assessment of the manner in which the recipients carrying out the projects coordinate the projects with projects carried out by other public or nonprofit agencies serving individuals who are deaf, to expand or improve services for such individuals.".

(f) RELATIONSHIP TO SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a), as amended by subsection (e), is amended by adding at the end the following new subsection:

"(f)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund special demonstration programs, projects and activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund programs, projects, and activities described in section 802.

"(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.".

(2) In section 801 of the bill:

(A) Redesignate subsection (b) as subsection (c).

(B) Insert after subsection (a) the following subsection.

(b) ACCOUNT.—There shall be established an account with a distinct designated budget account identification code number in the President's budget, for activities under title VIII of the Rehabilitation Act of 1973. Funding for such activities shall be available only to such extent as is provided, or in such amounts as are provided, in appropriations Acts. Such account shall be separate and distinct from the accounts for all other activities under titles I through VII of such Act.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIVE AMERICAN LANGUAGES ACT OF 1992

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2044) to assist Native Americans in assuring the survival and continuing vitality of their languages, as amended.

The Clerk read as follows:

S. 2044

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, other than section 4, may be cited as the "Native American Languages Act of 1992".

SEC. 2. GRANT PROGRAM.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended by inserting before section 804 the following:

SEC. 803C. GRANT PROGRAM TO ENSURE THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

"(a) AUTHORITY TO AWARD GRANTS.—The Secretary shall award a grant to any agency or organization that is—

"(1) eligible for financial assistance under section 803(a); and

"(2) selected under subsection (c);

to be used to assist Native Americans in ensuring the survival and continuing vitality of native American languages.

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—The purposes for which each grant awarded under subsection (a) may be used include, but are not limited to—

"(1) the establishment and support of a community Native American language project to bring older and younger Native Americans together to facilitate and encourage the transfer of Native American language skills from one generation to another;

"(2) the establishment of a project to train Native Americans to teach a Native American language to others or to enable them to serve as interpreters or translators of such language;

"(3) the development, printing, and dissemination of materials to be used for the teaching and enhancement of a Native American language;

"(4) the establishment or support of a project to train Native Americans to produce or participate in a television or radio program to be broadcast in a Native American language;

"(5) the compilation, transcription, and analysis of oral testimony to record and preserve a Native American language; and

"(6) the purchase of equipment (including audio and video recording equipment, computers, and software) required to conduct a Native American language project.

"(c) APPLICATIONS.—For the purpose of making grants under subsection (a), the Secretary shall select applicants from among agencies and organizations described in such subsection on the basis of applications submitted to the Secretary at such time, in such form, and containing such information as the Secretary shall require, but each application shall include at a minimum—

"(1) a detailed description of the current status of the Native American language to be addressed by the project for which a grant under subsection (a) is requested, including a description of existing programs and projects, if any, in support of such language;

"(2) a detailed description of the project for which such grant is requested;

"(3) a statement of objectives that are consonant with the purpose described in subsection (a);

"(4) a detailed description of a plan to be carried out by the applicant to evaluate such project, consonant with the purpose for which such grant is made;

"(5) if appropriate, an identification of opportunities for the replication of such project or the modification of such project for use by other Native Americans; and

"(6) a plan for the preservation of the products of the Native American language project for the benefit of future generations of Native Americans and other interested persons.

"(d) PARTICIPATING ORGANIZATIONS.—If a tribal organization or other eligible applicant decides that the objectives of its proposed Native American language project would be accomplished more effectively through a partnership arrangement with a school, college, or university, the applicant shall identify such school, college, or university as a participating organization in the application submitted under subsection (c).

"(e) LIMITATIONS ON FUNDING.—

"(1) SHARE.—Notwithstanding any other provision of this title, a grant made under subsection (a) may not be expended to pay more than 80 percent of the cost of the project that is assisted by such grant. Not less than 20 percent of such cost—

"(A) shall be in cash or in kind, fairly evaluated, including plant, equipment, or services; and

"(B)(i) may be provided from any private or non-Federal source; and

"(ii) may include funds (including interest) distributed to a tribe—

"(I) by the Federal Government pursuant to the satisfaction of a claim made under Federal law;

"(II) from funds collected and administered by the Federal Government on behalf of such tribe or its constituent members; or

"(III) by the Federal Government for general tribal administration or tribal development under a formula or subject to a tribal budgeting priority system, such as, but not limited to, funds involved in the settlement of land or other judgment claims, severance or other royalty payments, or payments under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or tribal budget priority system.

"(2) DURATION.—The Secretary may make grants made under subsection (a) on a 1-year, 2-year, or 3-year basis.

"(f) ADMINISTRATION.—(1) The Secretary shall carry out this section through the Administration for Native Americans.

"(2)(A) Not later than 180 days after the effective date of this section, the Secretary shall appoint a panel of experts for the purpose of assisting the Secretary to review—

"(i) applications submitted under subsection (a);

"(ii) evaluations carried out to comply with subsection (c)(4); and

"(iii) the preservation of products required by subsection (c)(5).

"(B) Such panel shall include, but not be limited to—

"(i) a designee of the Institute of American Indian and Alaska Native Culture and Arts Development;

"(ii) a designee of the regional centers funded under section 5135 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3215);

"(iii) representatives of national, tribal, and regional organizations that focus on Native American language, or Native American cultural, research, development, or training; and

(iv) other individuals who are recognized for their expertise in the area of Native American language.

Recommendations for appointment to such panel shall be solicited from Indian tribes and tribal organizations.

"(C) The duties of such panel include—

"(i) making recommendations regarding the development and implementation of regulations, policies, procedures, and rules of general applicability with respect to the administration of this section;

"(ii) reviewing applications received under subsection (c);

"(iii) providing to the Secretary a list of recommendations for the approval of such applications—

"(I) in accordance with regulations issued by the Secretary; and

"(II) the relative need for the project; and

"(iv) reviewing evaluations submitted to comply with subsection (c)(4).

"(D)(i) Subject to clause (ii), a copy of the products of the Native American language project for which a grant is made under subsection (a)—

"(I) shall be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development; and

"(II) may be transmitted, in the discretion of the grantee, to national and regional repositories of similar material;

for preservation and use consonant with their respective responsibilities under other Federal law.

"(ii) Based on the Federal recognition of the sovereign authority of Indian tribes over all aspects of their cultures and language and except as provided in clause (iii), an Indian tribe may make a determination—

"(I) not to transmit copies of such products under clause (i) or not to permit the redistribution of such copies; or

"(II) to restrict in any manner the use or redistribution of such copies after transmission under such clause.

"(iii) Clause (ii) shall not be construed to authorize Indian tribes—

"(I) to limit the access of the Secretary to such products for purposes of administering this section or evaluating such products; or

"(II) to sell such products, or copies of such products, for profit to the entities referred to in clause (i).".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by inserting "803C" after "803A" each place it appears; and

(2) by adding at the end the following:

"(f) There are authorized to be appropriated to carry out section 803C, $2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.".

SEC. 4. NATIVE AMERICANS EDUCATIONAL ASSISTANCE ACT.

(a) SHORT TITLE.—This section may be cited as the "Native Americans Educational Assistance Act".

(b) AGREEMENT TO CARRY OUT DEMONSTRATION PROJECT.—The Secretary of the Interior is authorized to enter into an agreement with a nonprofit captioning agency engaged in manufacturing and distributing captioning decoders, for the purpose of carrying out a demonstration project to determine the effectiveness of captioned educational materials as an educational tool in schools operated by the Bureau of Indian Affairs.

(c) REPORT.—Prior to the expiration of the 12-month period following the date of the agreement entered into pursuant to subsection (b), the Secretary of the Interior shall report to the Congress the results of the demonstration project carried out pursuant to such agreement, together with recommendations of the Secretary.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentlemen from California [Mr. MARTINEZ].

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous matter, on the Senate bill, S. 2044, now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come before you today with a bill of great importance to the native American Indian, our Nation and to the international community. The Native American Languages Act of 1992 is an effort to stem the rapid extinction of native American languages. It is the missing connection that will enable the American Indian to journey out of poverty with respect and pride for their heritage.

Native American languages are near extinction in the United States. Studies suggest that at one time several thousand distinct Indian languages existed in what is now America. Today that number has dwindled to approximately 150 Indian languages.

As chairman of the Subcommittee on Human Resources I have had the opportunity to address the problems facing youth, families, and the elderly. Faced with poverty, high unemployment, and chronic alcoholism, many tribes have realized the importance that culture and native languages play in the well being of native people.

This resurgence was enhanced with the passage of the Native American Languages Act in 1990, which declared it the right of native Americans to use their languages and encouraged its practice, development, and promotion in all settings. The act recognized that traditional languages are a complex part of the ethnic and cultural identities of native Americans and that the survival and distinction of a culture may be dependent upon language preservation. Support has been shown from organizations such as U.S. English, who welcome the cultural wealth indigenous languages bring to our Nation. Yet, despite this change in attitude and policy, there is no comprehensive effort to maintain what remains of our native Indian languages.

The early 1900's marked the U.S. Government's aggressive attack on the languages and culture of the American Indian. Education was seen as the method to civilize and assimilate the "red man". Children were often separated from their families and sent great distances to schools where speaking their native languages meant abuse and humiliation. So successful was the United States antinative language policy that many native languages may not survive the next century. Even today many of these attitudes persist.

Historical events and prejudices endangered the survival of native American languages and the diverse cultures they represent. Comprising less than 1 percent of the population in the United States, native Americans have not enjoyed the support, other ethnic groups have benefited from, in the preservation of their cultural identities. Unlike other languages, which have flourished through strong ethnic ties and legislative representation, the deterioration of native American culture will continue without the passage of this bill.

The preservation of any culture lies in the recording of, and the honoring of, the American Indian's traditional rites and languages. Tribal languages are vital links in the preservation of traditional rites and customs and are fundamental to the identity of native Americans. Without native languages many tribal and village members have found it impossible to bridge two cultures.

Native American students have the highest dropout rate in the Nation and are more than two times likely to commit suicide. Reports indicate that as much as 60 percent of all Indian students do not finish high school and less than one-half of 1 percent obtain professional degrees. The high incidence of teen suicide, chronic alcoholism, and chemical dependency within native American communities is testimony to the disassociation experienced by many tribal members. Studies link these chronic problems to the loss of self identity and a lack of cultural awareness.

Studies also show that only 2 of the 20 native languages in Alaska are still being learned by children. In California, indigenous languages are disappearing at a rate of 6 per year. As with many of the native languages in the United States, the few remaining fluent speakers are elderly. In some cases, less than 10 elderly speakers remain. Extinction for a language is as close as the death of the last elderly member. With so many native tribes experiencing a gap between elderly native speakers and nonnative speaking native children, it is little wonder that this tragedy persists.

These statistics highlight the need for this legislation. Community language programs can span the language gap between generations and provide the basis for cultural and community growth.

Today's innovative language education programs are evidence of the commitment on the part of native American communities to overcome the ills prevalent to reservation life. Existing language programs encourage the maintenance of native American languages as a way of strengthening Indian culture and ultimately the Indian family. However, problems remain. Inadequate funding levels force many tribal governments to choose between economic and social development. According to the National Park Service, 1992 applications for language preservation programs far exceed the funding available. Figures show 97 of the 183 applications submitted were for language related programs and of these 97 requests only 19 were funded.

The Native American Languages Act of 1992, would assist native Americans in establishing the mechanisms to secure the survival of their languages.

Among its provisions, tribal governments and other native American organizations presently under the Native Americans Programs Act could apply for grants to establish native language training programs, to develop written materials, to compile oral records, to establish community language programs. It would be administrated by the administration for native Americans with grants awarded on a competitive basis.

Native Americans are a minority in crisis. Languages once associated with derision, are now recognized not only for the cohesiveness and self worth they bring to native American culture, but for the historical value to our Nation's future generations. I urge you to support the Native American Languages Act 1992.

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

Mr. CAMPBELL of Colorado. Mr. Speaker, the traditional languages of native American people are an integral part of their culture and identity. They provide a means for elaborating stories, literature, religion, and the rich history and traditional ways of life. The ability of Indian communities to preserve their traditional languages will allow them to effectively preserve their traditional stories, literatures, and oral history. To lose the diversity and vibrant history of our many Indian nations, is to lose a vital part of the history of this country.

Senate bill 2044, introduced by Senator DANIEL INOUYE, entitled the "Native American Languages Act of 1991" authorizes the administration for native Americans to make grants to Indian tribal governments and other native American organizations. The bill amends the Native Programs Act of 1974 to authorize eligible organizations to receive grants through fiscal year 1993. I am fully supportive of this grant process. The ANA has recently been rated as one of the most effective Government organizations.

As the only native American Member of Congress, I have been involved in most all legislation where the Indian community is involved. I am in full support of the Native American Languages Act. Language in all cultures is paramount to the survival and vitality of one's culture. To lose the ability to communicate in the traditional languages further compromises the effectiveness of passing on the oral history of traditional ways of life.

Many of the problems that Indian communities are confronted with—alcohol and drug abuse, suicide, high dropout rates—are directly related to one's loss of identity. A revival of language programs that emphasize the native languages is an important step to bringing individuals and communities closer to their true identities and the vibrant culture they share.

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise to voice my support of S. 2481, the Indian Health Amendments of 1992. 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 or in large urban areas, until the year 2000.

This legislation incorporates 60 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.

After much debate in both Houses of Congress, the Indian health amendments before us today incorporate legislation I have introduced this Congress that addresses 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. In order to confront these and other monumental challenges, a unilateral approach to health care must be undertaken that focuses on prevention, education, and effective treatment programs. Extreme cultural contrasts also contribute to the unique challenge facing Indian leaders and health experts in their search for an effective and efficient health model.

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 [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 year 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 S. 2481, the Indian Health Amendments of 1992 to keep Indian health alive.

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise in support of House Concurrent Resolution 367. I have been asked by the Morningstar Foundation, a nationally recognized native American advocacy group, to support its efforts for a Columbus Day concert on the Capitol Grounds.

House Concurrent Resolution 367 would authorize the presentation of the program on the Capitol Grounds. The program, entitled "Native Voices: The Next 500 Years," will feature performances by traditional native American dancers, traditional and contemporary musical performances, and readings and poetry. On the occasion of the quincentenary of Columbus' arrival in the Americas, the program will honor native American people and celebrate the rich, vibrant, traditional ways that have been passed on for generations.

As you know, Congress has declared 1992 the "Year of the American Indian" and the "National Year of Reconciliation Between Indians and Non-Indians" to commemorate native American culture and to acknowledge the significant contributions native American people have given to the history of this country.

From the Persian Gulf war to the Navajo code talkers of the Second World War, native American men and women have answered our country's call when conflict has occurred, and have served gallantly and honorably. In the arts, traditional native American artists and

performers have preserved traditional forms of entertainment and have brought world recognition to the traditional ways. Further, in athletics, many of us have had the opportunity to represent this country at the highest level of competition.

As the only American Indian serving in this body, I would ask the rest of my colleagues to support House Concurrent Resolution 367 to ensure that our native voices are heard.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of S. 2044, the Native American Languages Act of 1992. This bill is extremely important to my native constituents in Alaska. We are in danger of losing the continuance of our native languages and I am extremely pleased with the junior Senator from Alaska in the other body for his part in introducing similar legislation.

This bill proposes to appropriate $5 million in fiscal year 1993 and such sums as necessary for fiscal years 1994, 1995, 1996, and 1997. Programs will be established to train native Americans to teach native languages to others and to serve as interpreters or translators. This bill also proposes to establish and support community language programs to bring older and younger native Americans together to facilitate and encourage the transfer of language skills from one generation to another. We already have a couple of programs in some communities in Alaska and I am delighted that this bill will establish programs to further the continuance of native languages. I wholeheartedly support S. 2044 and urge my colleagues to pass this important bill.

Mr. GOODLING. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLTER). The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the Senate bill, S. 2044, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 5194, JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 AMENDMENTS

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 594) relating to the consideration of the Senate amendment to H.R. 5194.

The Clerk read as follows:

H. RES. 594

Resolved, That upon the adoption of this resolution the bill (H.R. 5194) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

"(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;";

(3) in paragraph (4), as redesignated by paragraph (1), by inserting "prosecutorial and public defender offices," after "juvenile courts,";

(4) by striking "and" at the end of paragraph (9), as redesignated by paragraph (1);

(5) by striking the period at the end of paragraph (10), as redesignated by paragraph (1), and inserting ";"; and

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

"(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

"(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.".

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "delinquency" and inserting "justice and delinquency prevention";

(B) in paragraph (2) by striking "agencies, institutions, and individuals in developing and implementing juvenile delinquency programs" and inserting "nonprofit juvenile justice and delinquency prevention programs";

(C) by striking "and" at the end of paragraph (7);

(D) by redesignating paragraph (8) as paragraph (9);

(E) by inserting after paragraph (7) the following new paragraph:

"(8) to strengthen families in which juvenile delinquency has been a problem;";

(F) by striking the period at the end of paragraph (9), as redesignated by subparagraph (D), and inserting a semicolon; and

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

"(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

"(11) to assist States and local communities to prevent youth from entering the justice system to begin with."; and

(2) in subsection (b)—

(A) by striking "maintaining and strengthening the family unit" and inserting "preserving and strengthening families";

(B) by striking "and (4)" and inserting "(4)"; and

(C) by inserting "; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services" before the period at the end.

(c) DEFINITIONS.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (16) to read as follows:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

"(A) who was brought before the court and made subject to such order;

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

"(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

"(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

"(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

"(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

"(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);";

(2) by striking "and" at the end of paragraph (17);

(3) by striking the period at the end of paragraph (18) and inserting a semicolon; and

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

"(19) the term 'comprehensive and coordinated system of services' means a system that—

"(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

"(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

"(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

"(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

"(20) the term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided;

"(21) the term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

"(22) the term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

"(i) pending the filing of a charge of violating a criminal law;

"(ii) awaiting trial on a criminal charge; or

"(iii) convicted of violating a criminal law; and

"(23) the term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.".

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 (b)) is amended by amending the third sentence to read as follows: "The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.".

(b) PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.—Section 202 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612) is amended—

(1) in subsection (b) by striking "prescribes for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376";

(2) in subsection (c) by striking "Act" and inserting "title"; and

(3) in subsection (d) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376".

(c) CONCENTRATION OF EFFORT.—Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting "(1)" after "(a)"; and

(ii) by striking "implement overall policy and develop objectives and priorities" and inserting "develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,"; and

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

"(2)(A) The plan described in paragraph (1) shall—

"(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this title; and

"(ii) provide for coordinating the administration programs and activities under this title with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

"(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the Federal Register—

"(i) not later than 240 days after the date of enactment of this paragraph, in the case of the initial plan required by paragraph (1); and

"(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.";

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (5); and

(B) by striking the period at the end of paragraph (6) and inserting "; and";

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

"(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles."; and

(4) by striking subsections (f) and (g).

(d) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "the Director of the Office of Community Services" and all that follows through the period and inserting "the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Director of the ACTION Agency, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decision making authority as the President may designate, and individuals appointed under paragraph (2).."; and

(B) by amending paragraph (2) to read as follows:

"(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

"(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

"(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

"(iii) Three members shall be appointed by the President.

"(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

"(I) 1 shall be appointed for a term of 1 year;

"(II) 1 shall be appointed for a term of 2 years; and

"(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

"(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

"(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.";

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) in the first sentence by inserting "(in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles," after "delinquency programs";

(C) in the second sentence—

(i) by inserting "shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and" after "Council"; and

(ii) by inserting "and all Federal programs and activities that detain or care for unaccompanied juveniles" before the period; and

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

"(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

"(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

"(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate."; and

(3) in subsection (f)—

(A) by inserting "Members appointed under subsection (a)(2) shall serve without compensation." after "(f)"; and

(B) by striking "who are employed by the Federal Government full time".

(e) ANNUAL REPORT.—Section 207(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(1)) is amended—

(1) in subparagraph (D)—

(A) by inserting "(including juveniles treated as adults for purposes of prosecution)" after "juveniles"; and

(B) by striking "and" at the end;

(2) in subparagraph (E) by striking the period at the end and inserting "; and"; and

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

"(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.".

(f) FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS.—

(1) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 221(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5613(b)(2)) is amended—

(A) in the first sentence by striking "existence" and inserting "experience"; and

(B) in the second sentence by striking "section 291(c)(1)" and inserting "section 299(c)(1)".

(2) ALLOCATION.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(A) by striking "allotted" each place it appears and inserting "allocated" and striking "allotment" each place it appears and inserting "allocation";

(B) in subsection (a)—

(i) in paragraph (2)(A)—

(I) by striking "part D" and inserting "parts D and E";

(II) by inserting "or such greater amount, up to $400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$325,000,"; and

(III) by inserting ", or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992," after "$75,000";

(ii) in paragraph (2)(B)—

(I) by inserting "or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a)(1) and (3)" after "$400,000,"; and

(II) by inserting ", or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$100,000"; and

(iii) in paragraph (3) by striking "1988" each place it appears and inserting "1992"; and

(C) in subsection (c)—

(i) in the first sentence by striking "and evaluation" and inserting ", evaluation, and one full-time staff position"; and

(ii) in the second sentence by striking "7½ per centum" and inserting "10 percent".

(3) STATE PLANS.—(A) Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(i) in subsection (a)—

(I) in the second sentence by striking "programs, and the State" and inserting "programs and challenge activities subsequent to State participation in part E. The State";

(II) in paragraph (1) by striking "section 291(c)(1)" and inserting "section 299(c)(1)";

(III) by amending paragraph (3) to read as follows:

"(3) provide for an advisory group, which—

"(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

"(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

"(ii) which members include—

"(I) at least 1 locally elected official representing general purpose local government;

"(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

"(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

"(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

"(V) volunteers who work with delinquents or potential delinquents;

"(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

"(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

"(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

"(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

"(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

"(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board;

"(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition;

"(ii) review progress and accomplishments of projects funded under the State plan.";

(IV) in paragraph (8)—

(aa) by inserting "(A)" after "(8)";

(bb) by striking "(A) an" and inserting "(i) an";

(cc) by striking "(B)" and inserting "(ii)";

(dd) by striking "(C)" and inserting "(iii)";

(ee) by inserting "(including educational needs)" after "delinquency prevention needs" each place it appears; and

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

"(B) contain—

"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

"(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(C) contain—

"(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(D) contain—

"(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

"(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;";

(V) in paragraph (9) by inserting "recreation," after "special education,";

(VI) by amending paragraph (10) to read as follows:

"(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, specifically—

"(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

"(ii) for youth who need temporary placement: crisis intervention, shelter, and aftercare; and

"(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(B) community-based programs and services to work with—

"(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

"(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

"(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

"(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

"(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

"(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

"(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

"(II) assistance in making the transition to the world of work and self-sufficiency;

"(III) alternatives to suspension and expulsion; and

"(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

"(ii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

"(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

"(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

"(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

"(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

"(J) programs and projects designed to provide for the treatment of youths' dependence

on or abuse of alcohol or other addictive or nonaddictive drugs;

"(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

"(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

"(i) a sense of safety and structure;

"(ii) a sense of belonging and membership;

"(iii) a sense of self-worth and social contribution;

"(iv) a sense of independence and control over one's life;

"(v) a sense of closeness in interpersonal relationships; and

"(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

"(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and

"(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of their families.";

(VII) in paragraph (12)(A) by inserting "or alien juveniles in custody," after "court orders,";

(VIII) in paragraph (13)—

(aa) by striking "regular", and

(bb) by inserting before the semicolon at the end "or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults";

(IX) in paragraph (14)—

(aa) by striking "; beginning after the five-year period following December 8, 1980,";

(bb) by striking "1993" and inserting "1997"; and

(cc) by striking "areas which" and all that follows through the end of the paragraph and inserting "areas that are in compliance with paragraph (13) and—

"(A)(i) are outside a Standard Metropolitan Statistical Area; and

"(ii) have no existing acceptable alternative placement available;

"(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

"(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;";

(X) by amending paragraph (16) to read as follows:

"(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;"; and

(XI) in paragraph (17)—

(aa) by striking "and maintain the family units" and inserting "the families";

(bb) by striking "deliquency. Such" and inserting "delinquency (which"; and

(cc) by inserting "and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)" before the semicolon;

(XII) by striking "and" at the end of paragraph (23);

(XIII) by striking the period at the end of paragraph (24) and inserting "; and"; and

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

"(25) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services."; and

(ii) by amending subsection (c) to read as follows:

"(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

"(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

"(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

"(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

"(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

"(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

"(ii) the Administrator determines, in the discretion of the Administrator, that the State—

"(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

"(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time."; and

(iii) in subsection (d)—

(I) by inserting ", excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d)," after "section 222(a)";

(II) by striking "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and inserting "activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23)"; and

(III) by striking "subsection (a)(12)(A) and subsection (a)(13)" and inserting "subsection (a) (12)(A), (13), (14) and (23)".

(B) Notwithstanding the amendment made by subparagraph (A)(ii), section 223(c)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)), as in effect on the day prior to the date of enactment of this Act, shall remain in effect to the extent that it provides the Administrator authority to grant a waiver with respect to a fiscal year prior to a fiscal year beginning before January 1, 1993.

(f) NATIONAL PROGRAMS.—

(1) NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)(2)) is amended—

(A) in subsection (d)—

(i) by inserting "recreation and park personnel," after "special education personnel"; and

(ii) by inserting "prosecutors and defense attorneys," after "probation personnel,"; and

(B) in subsection (e)—

(i) in paragraph (5) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376"; and

(ii) in paragraph (6) by striking "Act" and inserting "title".

(2) INFORMATION FUNCTION.—Section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)) is amended by inserting "(including drug and alcohol programs and gender-specific programs)" after "treatment programs".

(3) RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.—Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(A) by striking "The" and inserting "(a) The";

(B) in paragraph (1) by striking "maintain the family unit" and inserting "preserve families";

(C) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), (10), and (11), respectively;

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(i) encourage courts to develop and implement a continuum of post-adjudication re-

straints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(ii) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(4) Encourage the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

"(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;";

(E) in subparagraph (D) of paragraph (7), as redesignated by subparagraph (C), by inserting "(including the productive use of discretionary time through organized recreational" after "lawful activities";

(F) by striking "and" at the end of paragraph (10), as redesignated by subparagraph (C);

(G) by striking the period at the end of paragraph (11), as redesignated by subparagraph (C), and inserting "; and"; and

(H) by adding at the end the following new paragraphs and subsection:

"(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

"(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

"(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

"(A) all aspects of juveniles as victims and offenders;

"(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

"(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

"(b) The Administrator shall make available to the public—

"(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); and

"(2) the data and studies referred to in subsection (a)(9);

that the Administrator is authorized to disseminate under subsection (a).".

(3) TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.—Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(A) in paragraph (2) by inserting "(including juveniles who commit hate crimes)" after "offenders";

(B) in paragraph (3)—

(i) by inserting "prosecutors and defense attorneys," after "judges";

(ii) by striking "and" at the end;

(C) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).".

(4) ESTABLISHMENT OF TRAINING PROGRAM.—Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5659) is amended in the first sentence by inserting ", including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles" before the period .

(5) CURRICULUM FOR TRAINING PROGRAM.—Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended in the second sentence by inserting "and shall include training designed to prevent juveniles from committing hate crimes" before the period.

(6) SPECIAL STUDIES AND REPORTS.—Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(A) by striking "(a) Not later than 1 year after the date" and inserting "(a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date";

(B) by striking "(1) to review" and inserting "(A) to review";

(C) by striking "(A) conditions" and inserting "(i) conditions";

(D) by striking "(B) the extent" and inserting "(ii) the extent";

(E) by striking "(2) to make" and inserting "(B) to make";

(F) by striking "(b)(1) Not later" and inserting "(2)(A) Not later";

(G) by striking "(A) how" and inserting "(i) how";

(H) by striking "(B) the amount" and inserting "(ii) the amount";

(I) by striking "(C) the extent" and inserting "(iii) the extent";

(J) by striking "(2)(A) for purposes" and inserting "(B)(i) for purposes";

(K) by striking "(B) For purposes" and inserting "(ii) for purposes";

(L) by striking "(c) Not later" and inserting "(3) Not later";

(M) by striking "subsection (a) or (b)" and inserting "paragraph (1) or (2)"; and

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

"(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to juveniles waived to adult court that reviews—

"(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

"(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

"(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

"(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

"(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

"(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

"(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of gender bias within State juvenile justice systems that reviews—

"(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

"(ii) the appropriateness of the placement and conditions of confinement for females; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

"(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

"(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

"(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

"(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

"(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the

study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

"(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

"(B) The urban areas shall include—

"(i) the District of Columbia;

"(ii) Los Angeles, California;

"(iii) Milwaukee, Wisconsin;

"(iv) Denver, Colorado;

"(v) Pittsburgh, Pennsylvania;

"(vi) Rochester, New York; and

"(vii) such other cities as the Administrator determines to be appropriate.

"(C) At least one rural area shall be included.

"(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

"(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

"(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

"(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

"(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

"(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

"(vi) to improve current systems to prevent and control violence by or against juveniles; and

"(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

"(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

"(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

"(i) conduct a study described in subparagraph (B); and

"(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

"(B) The study required by subparagraph (A) shall assess—

"(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

"(I) the motives for committing hate crimes;

"(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

"(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

"(ii) the characteristics of hate crimes committed by juveniles, including—

"(I) the types of hate crimes committed;

"(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

"(III) the number of persons who participated with juveniles in committing such crimes;

"(IV) the types of law enforcement investigations conducted with respect to such crimes;

"(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

"(VI) the penalties imposed on such juveniles as a result of such proceedings; and

"(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

"(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

"(II) the motivation behind the attack.".

(7) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended—

(A) in subsection (a)—

(i) by striking "(a) The" and inserting "(a) Except as provided in subsection (f), the";

(ii) in paragraph (1) by inserting "(including home-based treatment programs)" after "alternatives"; and

(iii) by amending paragraph (3) to read as follows:

"(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.";

(iv) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(v) by inserting after paragraph (3) the following new paragraph:

"(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.";

(vi) in paragraph (4), as redesignated by clause (iv)—

(I) by inserting "(including self-help programs for parents)" after "programs"; and

(II) by inserting ", including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability" before the period at the end;

(vii) in paragraph (7), as redesignated by clause (iv)—

(I) by striking the period at the end of subchapter (C) and inserting a comma; and

(II) by adding at the end the following: "that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system."; and

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

"(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

"(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

"(i) addressing the specific prejudicial attitude of each offender;

"(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

"(iii) educating the offender about the importance of tolerance in our society; and

"(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration."; and

(B) in subsection (b)(5) by inserting "community service personnel," after "law enforcement personnel,";

(C) in subsection (b)—

(i) by striking "(b) The" and inserting "(b) Except as provided in subsection (f), the"; and

(ii) in paragraph (2) by inserting "to assist in identifying learning difficulties (including learning disabilities)," after "schools,"; and

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

"(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.".

(g) CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.—Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

"(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

"(ii) with respect to a particular program described in part C that is uniquely qualified."; and

(2) by striking subparagraph (C).

(h) PREVENTION, INTERVENTION, AND TREATMENT PROGRAM RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is amended to read as follows:

"PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

"Subpart I—Gang-Free Schools and Communities

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

"(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

"(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

"(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

"(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

"(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

"(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

"(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(3) To target elementary school students, with the purpose of steering students away from gang involvement.

"(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

"(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

"(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

"(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

"(10) To provide services authorized in this section at a special location in a school or housing project.

"(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

"(1) to conduct research on issues related to juvenile gangs;

"(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

"(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

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"APPROVAL OF APPLICATIONS

"SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart II—Community-Based Gang Intervention

"SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

"(1) to reduce the participation of juveniles in the illegal activities of gangs;

"(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

"(3) to facilitate coordination and cooperation among—

"(A) local education, juvenile justice, employment, and social service agencies;

"(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

"(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

"(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

"(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

"(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

"(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

"(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

"(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

"(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"APPROVAL OF APPLICATIONS

"SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart III—General Provisions

"DEFINITION

"SEC. 283. For purposes of this part, the term 'juvenile' means an individual who is less than 22 years of age.".

(i) ADDITIONAL PARTS IN TITLE II.—(1) Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(A) by redesignating part E as part I;

(B) by redesignating sections 291, 292, 293, 294, 295, and 296 as sections 299, 299A, 299B, 299C, 299D, and 299E, respectively; and

(C) by inserting after part D the following new parts:

"PART E—STATE CHALLENGE ACTIVITIES

"ESTABLISHMENT OF PROGRAM

"SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

"(b) DEFINITIONS.—For purposes of this part—

"(1) the term 'case review system' means a procedure for ensuring that—

"(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

"(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

"(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

"(D) a youth's health, mental health, and education record is reviewed and updated periodically; and

"(2) the term 'challenge activity' means a program maintained for 1 of the following purposes:

"(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

"(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

"(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

"(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

"(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

"(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

"(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

"(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

"(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

"(J) Developing and adopting policies to establish—

"(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

"(ii) a statewide case review system.

"Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect

"DEFINITION

"SEC. 287. For the purposes of this part, the term 'juvenile' means a person who is less than 18 years of age.

"AUTHORITY TO MAKE GRANTS

"SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

"(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

"(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

"(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

"(B) to facilitate their alternative placement; and

"(C) to prepare juveniles aged 16 years and older to live independently; and

"(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

"ADMINISTRATIVE REQUIREMENTS

"SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

"PRIORITY

"SEC. 287C. In making grants under section 287A, the Administrator—

"(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

"(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent

for having committed offenses that are not serious crimes.

"PART G—MENTORING

"PURPOSES

"SEC. 288. The purposes of this part are—

"(1) to reduce juvenile delinquency and gang participation;

"(2) to improve academic performance; and

"(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

"DEFINITIONS

"SEC. 288A. For purposes of this part—

"(1) the term 'at-risk youth' means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

"(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth's ability to become a responsible citizen.

"GRANTS

"SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

"(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to at-risk youth.

"(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

"(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

"(E) Discourage involvement of at-risk youth in gangs.

"(F) Encourage at-risk youth's participation in community service and community activities.

"REGULATIONS AND GUIDELINES

"SEC. 288C. (a) REGULATIONS.—The Administrator, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Labor, shall promulgate regulations to implement this part.

"(b) GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"USE OF GRANTS

"SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

"(2) recruitment, screening, and training of adult mentors;

"(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

"(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

"(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

"(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

"(3) to support litigation of any kind; or

"(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"PRIORITY

"SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

"(1) serve at-risk youth in high crime areas;

"(2) have 60 percent or more of their youth eligible to receive funds under chapter 1 of the Elementary and Secondary Education Act of 1965; and

"(3) have a considerable number of youth who drop out of school each year.

"(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

"(1) the geographic distribution (urban and rural) of applications;

"(2) the quality of a mentoring plan, including—

"(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

"(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

"(3) the capability of the applicant to effectively implement the mentoring plan.

"APPLICATIONS

"SEC. 288F. An application for assistance under this part shall include—

"(1) information on the youth expected to be served by the program;

"(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

"(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

"(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences that youth might not otherwise encounter;

"(5) an assurance that projects operated in elementary schools will provide youth with—

"(A) academic assistance;

"(B) exposure to new experiences and activities that youth might not encounter on their own; and

"(C) emotional support;

"(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

"(7) the method by which mentors and youth will be recruited to the project;

"(8) the method by which prospective mentors will be screened; and

"(9) the training that will be provided to mentors.

"GRANT CYCLES

"SEC. 288G. Grants under this part shall be made for 3-year periods.

"REPORTS

"SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

"PART H—BOOT CAMPS

"ESTABLISHMENT OF PROGRAM

"SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as "boot camps").

"(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

"(2) The Administrator shall—

"(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

"(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

"(c) REGIMEN.—The boot camps shall provide—

"(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

"(2) regular, remedial, special, and vocational education; and

"(3) counseling and treatment for substance abuse and other health and mental health problems.

"CAPACITY

"SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

"ELIGIBILITY AND PLACEMENT

"SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

"(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

"(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

"(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

"(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

"(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

"POST-RELEASE SUPERVISION

"SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint ad-

ministration of a boot camp, shall submit to the Administrator a plan describing—

"(1) the provisions that the State will make for the continued supervision of juveniles following release; and

"(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

"PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

"SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the "Conference") in accordance with this part.

"(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

"(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

"(2) to examine the status of minors currently in the juvenile and adult justice systems;

"(3) to examine the increasing number of violent crimes committed by juveniles;

"(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

"(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

"(6) to examine the need for improving services for girls in the juvenile justice system;

"(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

"(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

"(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

"(d) PRIOR STATE AND REGIONAL CONFERENCES.—

"(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

"(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

"(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

"CONFERENCE PARTICIPANTS

"SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

"(b) SELECTION.—

"(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

"(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

"(i) each Governor may appoint 1 delegate and 1 alternate;

"(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

"(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

"(iv) the President may appoint 20 delegates and 5 alternates;

"(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

"(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

"(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

"(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

"(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed $10.

"STAFF AND EXECUTIVE BRANCH

"SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

"(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

"PLANNING AND ADMINISTRATION OF CONFERENCE

"SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

"(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

"(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

"(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

"(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

"REPORTS

"SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

"(b) CONTENTS.—A report described in subsection (a)—

"(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

"(2) shall be made available to the public.

"OVERSIGHT

"SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.".

(2) REPEALER.—Subtitle G of title II of the Crime Control Act of 1990 (42 U.S.C. 13051 et seq.) is repealed effective September 30, 1993.

(j) GENERAL AND ADMINISTRATIVE PROVISIONS.—Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974, as redesignated by subsection (g), is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated $150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

"(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

"(i) to carry out subpart 1, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

"(ii) to carry put subpart 2, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

"(3) To carry out part E, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

"(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

"(i) $15,000,000 for fiscal year 1993; and

"(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

"(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

"(i) not less than 85 percent to make grants for treatment and transitional services;

"(ii) not to exceed 10 percent for grants for research; and

"(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

"(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

"(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

"(i) not more than $12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

"(ii) not more than $2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

"(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

"(7)(A) There are authorized to be appropriated such sums are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

"(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

"(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

"(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts."; and

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

"(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.".

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) juveniles who have become homeless or who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;";

(2) by striking "and" at the end of paragraph (4);

(3) in paragraph (5) by striking "temporary" and all that follows through the period at the end and inserting "care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;" and

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

"(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services and therefore may need access to longer periods of residential care, more intensive aftercare service, and other assistance;

"(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

"(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;

"(9) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

"(10) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.".

(b) AUTHORITY TO MAKE GRANTS.—

(1) AUTHORITY.—Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by striking "structure and" and inserting "system, the child welfare system, the mental health system, and".

(2) ALLOTMENT OF FUNDS.—Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(A) in paragraph (2)—

(i) by striking "$75,000" and inserting "$100,000"; and

(ii) by striking "$30,000" and inserting "$45,000"; and

(B) in paragraph (3) by striking "1988" each place it appears and inserting "1992".

(3) STREET-BASED SERVICES; HOME-BASED SERVICES.—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended by striking subsection (c) and inserting the following:

"(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) to establish and operate street-based service projects for runaway and homeless youth.

"(2) For purposes of this part, the term 'street-based services' includes—

"(i) street-based crisis intervention and counseling;

"(ii) information and referral for housing;

"(iii) information and referral for transitional living and health care services; and

"(iv) advocacy, education, and prevention services for—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases including HIV/AIDS infection; and

"(III) physical and sexual assault.

"(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

"(2) For purposes of this part—

"(A) the term 'home-based service project' means a project that provides—

"(i) case management; and

"(ii) in the family residence (to the maximum extent practicable)—

"(I) intensive, time-limited, family and individual counseling;

"(II) training relating to life skills and parenting; and

"(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth or to return to their families;

"(B) the term 'youth at risk of family separation' means an individual—

"(i) who is less than 18 years of age; and

"(ii)(I) who has a history of running away from the family of such individual;

"(II) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(III) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

"(C) the term 'time-limited' means for a period not to exceed 6 months.".

(c) ELIGIBILITY.—Section 312 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712) is amended—

(1) in subsection (a) by striking "facility providing" and inserting "project (including a host family home) that provides"; and

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

"(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

"(A) a maximum capacity of not more than 20 youth; and

"(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;";

(B) in paragraph (3)—

(i) by striking "child's parents or relatives and assuring" and inserting "parents or other relatives of the youth and ensuring"; and

(ii) by striking "child" each place it appears and inserting "youth";

(C) by amending paragraph (4) to read as follows:

"(4) shall develop an adequate plan for ensuring—

"(A) proper relations with law enforcement personnel, health and mental health care personnel, social service personnel, school system personnel, and welfare personnel;

"(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of those schools; and

"(C) the return of runaway and homeless youth from correctional institutions;";

(D) in paragraph (5)—

(i) by striking "aftercare" and all that follows through "assuring" and inserting "providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring"; and

(ii) by striking "children" and inserting "youth";

(E) in paragraph (6) by striking "children and family members which it serves" and inserting "youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)";

(F) by redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (7), (8), (9), (10), and (11), respectively;

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

"(6) shall develop an adequate plan for establishing or coordinating with outreach

programs designed to attract persons (including, where applicable, persons who are members of a cultural minority and persons with limited ability to speak English) who are eligible to receive services for which a grant under subsection (a) may be expended;"; and

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

"(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) to provide backup personnel for on-street staff;

"(3) to provide informational and health educational material to runaway and homeless youth in need of services;

"(4) to provide initial and periodic training of staff who provide services under the project;

"(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

"(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

"(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

"(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection 311(c);

"(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

"(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of the youth, to any person other than an agency compiling statistical records; and

"(12) to provide to the Secretary such other information as the Secretary may reasonably require.

"(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

"(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises);

"(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

"(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

"(5) to provide initial and periodic training of staff who provide services under the project;

"(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

"(7) to ensure that—

"(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

"(ii) qualified supervision will be provided to staff who provide services under the project;

"(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

"(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

"(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

"(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

"(13) to provide to the Secretary such other information as the Secretary may reasonably require.".

(d) APPROVAL BY SECRETARY.—Section 316 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended—

(1) in the first sentence by striking "section 311(a)" each place it appears and inserting "section 311 (a), (c), or (d)"; and

(2) in the second sentence by striking "$150,000" and inserting "$200,000".

(e) GRANTS TO PRIVATE ENTITIES; STAFFING.—Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended—

(1) by striking "part" each place it appears and inserting "title";

(2) in the first sentence inserting "and the programs, projects, and activities they carry out under this title" after "center"; and

(3) in the last sentence by inserting "under this title" before the period.

(f) TRANSITIONAL LIVING GRANT PROGRAM.—Section 322(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1) by inserting "which shall include money management, budgeting, consumer education, and use of credit" after "basic life skills"; and

(2) in paragraph (13)—

(A) by striking "consent of the individual youth and parent or legal guardian" and inserting "informed consent of the individual youth"; and

(B) by striking "or a government agency involved in the disposition of criminal charges against youth".

(g) NATIONAL COMMUNICATION SYSTEM; STREET-BASED SERVICES PROGRAM; HOME-BASED SERVICES PROGRAM; COORDINATING ACTIVITIES.—

(1) ADDITIONAL PARTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) in part D—

(i) by striking "PART D" and inserting "PART F"; and

(ii) by redesignating sections 361, 362, 363, 364, and 366 as sections 381 through 385, respectively;

(B) in part C—

(i) by striking "PART C" and inserting "PART E"; and

(ii) by redesignating sections 341 and 342 as sections 371 and 372, respectively; and

(C) by inserting after part B the following new parts:

"PART C—NATIONAL COMMUNICATIONS SYSTEM

"AUTHORITY TO MAKE GRANTS

"SEC. 331. With funds reserved under section 385(a)(3), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

"PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

"COORDINATION

"SEC. 341. With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 342. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under this title, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

"AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

"SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

"(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) youth who repeatedly leave and remain away from their homes;

"(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;

"(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

"(4) the special needs of runaway youth and homeless youth programs in rural areas;

"(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

"(6) staff training in—

"(A) the behavioral and emotional effects of sexual abuse and assault;

"(B) responding to youth who are showing effects of sexual abuse and assault; and

"(C) agency-wide strategies for working with runway and homeless youth who have been sexually victimized;

"(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

"(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

"(9) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

"(10) increasing access to education for runaway youth and homeless youth.

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

"TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

"SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

"(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

"(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants carry out projects in not fewer than 10 States.

"(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

"(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

"(b) To be eligible to receive a grant under subsection (a), an applicant shall—

"(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

"(2) propose to carry out such project in a geographical area that—

"(A) has a population under 20,000;

"(B) is located outside a Standard Metropolitan Statistical Area; and

"(C) agree to provide to the Secretary an annual report identifying—

"(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

"(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

"(iii) the reasons the services identified under clause (ii) were not provided by the project; and

"(iv) such other information as the Secretary may require.".

(2) TECHNICAL AMENDMENTS.—(A) Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712a) is repealed.

(B) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5712b) is repealed.

(C) Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5712c) is repealed.

(D) Sections 316 and 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5713, 5714) are redesignated as sections 313 and 314, respectively.

(E) Section 365 of the Runaway and Homeless Youth Act (42 U.S.C. 5733) is repealed.

(h) REPORTS.—Section 361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 361. (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status, activities, and accomplishments of the runaway and homeless youth centers that are funded under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A—

"(A) their effectiveness in alleviating the problems of runaway and homeless youth;

"(B) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

"(C) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

"(D) their effectiveness in helping youth decide upon a future course of action; and

"(2) in the case of centers funded under part B—

"(A) the number and characteristic of homeless youth served by such projects;

"(B) describing the types of activities carried out under such projects;

"(C) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living;

"(F) the ability of such projects to strengthen family relationships, and encourage the resolution of intrafamily problems through counseling and the development of self-sufficient living skills; and

"(G) plans for the following fiscal year.".

(2) by adding at the end the following:

"(b)(1) The Secretary shall include in the report required by subsection (a) an evaluation of the results of Federal evaluation of the programs, projects, and activities carried out under this title and a description of the training provided to the persons who carry out the evaluation.

"(2) As part of the evaluation described in paragraph (1), the Secretary shall require the persons who carry out the evaluation to visit each grantee on-site not less frequently than every 3 years.".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996."; and

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

"(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331—

"(A) for fiscal year 1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment;

"(B) for fiscal year 1994 not less than $826,900;

"(C) for fiscal year 1995 not less than $868,300; and

"(D) for fiscal year 1996 not less than $911,700.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and

"(F) improving data collection efforts.

"(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

"(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent may be targeted at program enhancement activities described in paragraph (3).";

(2) in subsection (b) by amending paragraph (1) to read as follows:

"(1) Subject to paragraph (2), there are authorized to be appropriated to carry out part B $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996."

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection:

"(c) There is authorized to be appropriated to carry out section 344 $1,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.".

SEC. 4. MISSING CHILDREN.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended by striking "fiscal years 1989, 1990, 1991, and 1992" and inserting "fiscal years 1993, 1994, 1995, and 1996".

SEC. 5. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

"TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

"SEC. 501. SHORT TITLE.

"This title may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act'.

"SEC. 502. FINDINGS.

"The Congress finds that—

"(1) approximately 700,000 youth enter the juvenile justice system every year;

"(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

"(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

"(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

"(5) few Federal resources are dedicated to delinquency prevention; and

"(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

"SEC. 503. DEFINITION.

"In this title, the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

"SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

"The Administrator shall—

"(1) issue such rules as are necessary or appropriate to carry out this title;

"(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

"(3) provide adequate staff and resources necessary to properly carry out this title; and

"(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

"(A) describing activities and accomplishments of grant activities funded under this title;

"(B) describing procedures followed to disseminate grant activity products and research findings;

"(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

"(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

"SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

"(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

"(1) recreation services;

"(2) tutoring and remedial education;

"(3) assistance in the development of work awareness skills;

"(4) child and adolescent health and mental health services;

"(5) alcohol and substance abuse prevention services;

"(6) leadership development activities; and

"(7) the teaching that people are and should be held accountable for their actions.

"(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

"(1) the unit is in compliance with the requirements of part B of title II;

"(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

"(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

"(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

"(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

"(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

"(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

"(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

"(1) plans for service and agency coordination and collaboration including the colocation of services;

"(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

"(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.".

(b) STUDY.—After the program established by subsection (a) has been funded for two years, the General Accounting Office shall prepare and submit to Congress a study of the effects of the program in encouraging States and units of general local government to comply with the requirements of part B of title II.

SEC. 6. CHILDREN'S ADVOCACY PROGRAM.

(a) FINDINGS.—Section 211 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;" and

(3) by inserting after paragraph (4), as redesignated by paragraph (1), the following new paragraph:

"(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;".

(b) REGIONAL CHILDREN'S ADVOCACY PROGRAM.—Subtitle A of the Victims of Child Abuse Act (42 U.S.C. 13001 et seq.) is amended—

(1) by redesignating sections 212, 213, and 214 as sections 214, 214A, and 214B, respectively; and

(2) by inserting after section 211 the following new sections:

"SEC. 212. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'Administrator' means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b));

"(2) the term 'applicant' means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

"(3) the term 'board' means the Children's Advocacy Advisory Board established under section 213(e);

"(4) the term 'census region' means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

"(5) the term 'child abuse' means physical or sexual abuse or neglect of a child;

"(6) the term 'Director' means the Director of the National Center on Child Abuse and Neglect;

"(7) the term 'multidisciplinary response to child abuse' means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

"(8) the term 'nonoffending family member' means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; and

"(9) the term 'regional children's advocacy program' means the children's advocacy program established under section 213(a).

"SEC. 213. REGIONAL CHILDREN'S ADVOCACY CENTERS.

"(a) ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

"(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

"(2) provide support for nonoffending family members;

"(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

"(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

"(b) ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

"(1) ADMINISTRATOR.—The Administrator, in coordination with the Director, shall—

"(A) establish regional children's advocacy program centers;

"(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

"(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities,

for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

"(2) GRANT RECIPIENTS.—A grant recipient under this section shall—

"(A) assist communities—

"(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

"(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

"(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

"(iv) in providing families with needed services and assisting them in regaining maximum functioning;

"(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

"(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

"(vii) in obtaining information useful for criminal and civil proceedings;

"(viii) in holding offenders accountable through improved prosecution of child abuse cases;

"(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse thorough training; and

"(x) in enhancing community understanding of child abuse; and

"(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 214.

"(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

"(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

"(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

"(A) A proven record in conducting activities of the kinds described in subsection (c).

"(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

"(C) Multidisciplinary staff experienced in providing remedial counseling to children and families.

"(D) Experience in serving as a center for training and education and as a resource facility.

"(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

"(3) PROPOSAL REQUIREMENTS.—

"(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

"(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

"(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program or provide training to allow others to do so; and

"(iii) state the annual cost of the proposal and a breakdown of those costs.

"(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

"(i) outline the basic activities expected to be performed;

"(ii) describe the entities that will conduct the basic activities;

"(iii) establish the period of time over which the basic activities will take place; and

"(iv) define the overall program management and direction by—

"(I) identifying managerial, organizational, and administrative procedures and responsibilities;

"(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

"(III) providing sufficient rationale to support the costs of the plan.

"(4) SELECTION OF PROPOSALS.—

"(A) COMPETITIVE BASIS.—Proposals shall be selected under this section on a competitive basis.

"(B) CRITERIA.—The Administrator, in coordination with the Director, shall select proposals for funding that—

"(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

"(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse; and

"(iii) carry out the objectives developed by the Board under subsection (e)(2)(A);

"(C) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

"(D) otherwise best carry out the purposes of this section.

"(5) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

"(6) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

"(d) REVIEW.—

"(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator, in coordination with the Director, shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

"(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator and the Director that—

"(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

"(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

"(3) DISCONTINUATION OF FUNDING.—

"(A) FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

"(B) SOLICITATION OF NEW PROPOSALS.—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

"(e) CHILDREN'S ADVOCACY ADVISORY BOARD.—

"(1) ESTABLISHMENT OF BOARD.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

"(B) MEMBERSHIP.—(i) The board—

"(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority cf whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

"(II) shall include at least 1 member from each of the 4 census regions; and

"(III) shall have members appointed for a term not to exceed 3 years.

"(ii) Members of the Board may be reappointed for successive terms.

"(2) REVIEW AND RECOMMENDATIONS.—

"(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section and annually thereafter, the Board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

"(B) REVIEW.—The board shall annually—

"(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

"(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

"(3) RULES AND REGULATIONS.—The Board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

"(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities.".

(c) LOCAL CHILDREN'S ADVOCACY PROGRAM.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as redesignated by subsection (b)(1), is amended—

(1) by amending the heading to read as follows:

"SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.";

(2) in subsection (a) by striking "The Director of the Office of Victims of Crime (hereinafter in this subtitle referred to as the 'Director'), in consultation with officials of the Department of Health and Human Services," and inserting "The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime,";

(3) in subsection (b)(2)(B) by inserting "and nonoffending family members" after "neglect"; and

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

"(d) CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213.".

(d) SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003), as redesignated by subsection (b)(1), is amended in subsections (a) and (c)(1) by striking "Director" and inserting "Administrator".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004), as redesignated by subsection (b)(1), is amended to read as follows:

"SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214—

"(1) $15,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A—

"(1) $5,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.".

SEC. 7. HEAD START TRAINING IMPROVEMENT.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote continued access for Head Start and other early childhood staff to the Child Development Associate credential;

(2) to increase the ability of Head Start staff to address the problems facing Head Start families;

(3) to create a systematic approach to training, thereby improving the quality of Head Start instruction and using training funds more efficiently and effectively; and

(4) to allow the use of training funds for creative approaches to learning for children.

(b) TECHNICAL ASSISTANCE, TRAINING, AND STAFF QUALIFICATIONS.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a) by striking "(2) training" and all that follows through the end of the subsection and inserting "(2) training for specialized or other personnel needed in connection with Head Start programs, including funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children."; and

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

"(c) The Secretary shall—

"(1) develop a systematic approach to training Head Start personnel, including—

"(A) specific goals and objectives for program improvement and continuing professional development;

"(B) a process for continuing input from the Head Start community; and

"(C) a strategy for delivering training and technical assistance; and

"(2) report on the approach developed under paragraph (1) to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.".

SEC. 8. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

(a) SPENDING OF FUNDS BY STATES.—Section 658J(c) of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858h(c)) is amended—

(1) by striking "obligated" and inserting "expended"; and

(2) by striking "succeeding fiscal year" and inserting "succeeding 3 fiscal years".

(b) PAYMENTS EXCLUDED FROM INCOME.—The Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858a et seq.) is amended by adding at the end the following new section:

"SEC. 658S. MISCELLANEOUS PROVISIONS.

"Notwithstanding any other law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.".

(c) TECHNICAL AMENDMENTS.—

(1) CORRECTION IN CITATION.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by striking "title IV" and inserting "title VI".

(2) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858n) is amended—

(A) in paragraph (7), by striking "4(b)" and inserting "4(e)"; and

(B) in paragraph (14), by striking "4(c)" and inserting "4(1)".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—The amendments made by this section shall not apply with respect to fiscal years beginning before October 1, 1992.

SEC. 9. AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) FINDINGS.—The Congress finds that—

(1) circumstances surrounding the death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children;

(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

(3) thorough, coordinated, and comprehensive investigation will, it is hoped, lead to the prevention of abuse, neglect, or death in the future;

(4) an undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality;

(5) while the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of confidentiality laws and regulations are defeated when they have the effect of protecting those responsible;

(6) comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established;

(7) Certain States, including Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Oklahoma, and Oregon, have taken steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate incidents of death believed to be caused by child abuse or neglect;

(8) teams such as those described in paragraph (7) should be established in every State, and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies; and

(9) teams such as those described in paragraph (7) will increase the accountability of child protection services.

(b) MODIFICATION OF CONFIDENTIALITY PROVISION REGARDING STATE GRANTS UNDER CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 107(b)(4) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106A(b)(4)) is amended to read as follows:

"(4) provide for—

"(A) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to purposes of this Act; and

"(B) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;".

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should review and reform of the system in the State for protecting against child abuse and neglect, including implementing formal interagency, multidisciplinary teams—

(1) to review—

(A) all cases of child death in which the child was previously known by the State to have been abused or neglected; and

(B) incidents of child abuse before a child dies when there is evidence of negligent handling by the State,

in order to hold the State accountable; and

(2) to make recommendations regarding the outcomes of individual cases and systemic changes in the State's procedures for protecting against child abuse and neglect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the resolution, House Resolution 594.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here to vote on passage of a substitute amendment to the Senate's substitute amendment to H.R. 5194, the Juvenile Justice and Delinquency Prevention Amendments of 1992, the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 and Runaway and Homeless Youth Act.

Before I begin my remarks, I would like to take the time to thank Chairman FORD and my colleagues from the other side of the aisle, Mr. GOODLING, ranking member of the Education and Labor Committee, and Mr. FAWELL, ranking member of the Human Resources Subcommittee for their tireless efforts in helping to put together this truly bipartisan bill.

Mr. Speaker, H.R. 5194 reflects a blending of the components of both the original House and Senate versions of the act.

It contains vital components, such as study of violence by and against juveniles in both urban and rural settings. It creates incentives for states and local jurisdictions to enter into innovative public/private partnerships and, it creates incentives to encourage State and local jurisdictions to create community systems of care, involving interagency collaborative efforts.

It also provides for two new gang intervention programs: one that requires local education agency involvement with other local, public and private institutions in providing a broad variety of prevention and intervention activities; and the other is aimed specifically at the more hard-core gang members providing for the development of regional task forces involving State, local and community-based organizations to coordinate enforcement, intervention, and treatment efforts and to curtail interstate activities of gangs.

It allows state challenge activities that provide for additional funding for states that implement new and innovative policies for dealing with youth; It creates a new title for front-end prevention services, providing desperately needed support for counties and local governments; and, it creates a mentoring program for at-risk youth that encourages collaboration between schools and other private and public agencies.

It also allows for a new innovative boot camp program that provides a program of discipline combined with educational and job training components; and it provides for a White House Conference on Juvenile Justice which will allow the sharing of ideas and information between practitioners, academics, and the youth themselves.

The bill also allows the continuation of vital services to our runaway and homeless youth. The Runaway and Homeless Youth Act is the safety net with which we rescue those young people, who find themselves lost and confused without family support.

The act provides basic services through community-based agencies to alleviate the problems of runaways through the provision of temporary shelter, supportive services and counseling—and whenever possible, reuniting them with their families. The act also provides funding for transitional living programs that provide long-term shelter and life skills training to homeless youth who are attempting to make that transition into an adult world.

Finally, H.R. 5194 creates a national children's advocacy program for victims of sexual and physical abuse that focuses attention on the child victim and provides support for the nonoffending family members by improving the resources available to them.

This legislation is committed to addressing today's immediate issues concerning youth and will make the necessary structural changes to the JJDPA in this reauthorization cycle to ensure the future of our youth.

Mr. Speaker, this bill represents a bipartisan and bicameral effort to address the ravages of social disease on our youth and our communities. H.R. 5194 is a keystone in the foundation of the future of our children. I ask for your support in passing this legislation.

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

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from the Commonwealth of Pennsylvania, I rise in support of H.R. 5194, reauthorizing the Juvenile Justice and Delinquency Prevention Act of 1974.

The legislation before us today represents a compromise between the House and Senate-passed bills. Programs authorized under this act are vitally important to communities dealing with increasing numbers of crimes committed by juveniles, particularly those communities dealing with an increase in violent crimes. It provides for programs of prevention, intervention, and treatment, and programs which address the problems created by the growing numbers of youth gangs.

In addition, this legislation attempts to increase coordination between a youth's home school and the facility where they are currently residing, whether it is a juvenile detention facility or a runaway or a homeless shelter.

Due to the strong correlation between poor academic achievement and juvenile delinquency, this provision could prove to be a key prevention tool. By ensuring these youth can keep up with their classmates while they are not attending their school, we can increase the chance that they will stay in school and succeed academically once they return to their homes.

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If we can help these youths stay in school and off the streets, we are taking a giant step toward eliminating their future participation in delinquent activities. As a former educator, I am particularly pleased to see these provisions in the act.

Mr. Speaker, there is another provision in H.R. 5194 which I would like to call to the attention of my colleagues. Part G of this act authorizes the administrator to make grants for mentoring programs. As I have mentioned previously, my office has mentored several students from D.C. public schools and found it to be a rewarding experience for all involved. The young man, came to us when he was in the eighth grade, our first student, and will graduate this school year. Some of you may actually have met Lydell Mitchell when I brought him to the floor. When we first met Lydell, he was very shy and hesitated to look at people when he was talking to them. If you met him today, he would look you straight in the eye and give you a big smile and a hearty handshake. Lydell has become a fine young man and I would like to think my office played at least a small role in helping him stay in school and graduate. He became a part of our office family, and they took him everywhere. We are very proud of him.

The mentoring section in this bill contains many of the provisions of the mentoring program I offered as a part of my substitute to the Neighborhood Schools Improvement Act and that Act is a joke, which fortunately we will not have to witness again during this session, and involves local schools, businesses, and public and private organizations in mentoring programs for youth at risk of dropping out, of educational failure and of involvement in delinquent activities and gang participation. Mentoring programs work! Hopefully the provisions contained in this legislation will allow other local communities to develop mentoring programs.

Finally, I would like to point out some important changes to the Runaway and Homeless Youth Act, which is title II of this act. This legislation calls for greater home-based and street-based services for youth. These services are designed to target troubled youth and provide the most effective interventions, such as greater family involvement before these youth be-

come involved in delinquent activities. I want to commend Congressman FAWELL for insisting that these services be included as part of the Basic Center Program. This will facilitate coordination in providing these youth with the new services and all of the other services and resources available to them.

Mr. Speaker, I want to commend Chairman MARTINEZ and Congressman FAWELL for their efforts to make meaningful changes to this important act. I would also like to commend Congressmen KILDEE for his revisions to the gang prevention section of the law.

I also want to thank the staff, Lee Cowen, Lynn Selmser, Roger McClellan, Becky Franck, Terry Deschler, and Alan Lapatin, and remind the Members, as always, they always have four to every two that we have. Again, they did an outstanding job and are to be complimented.

Mr. Speaker, I yield whatever time he may consume to the gentlemen from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I thank my colleague from Pennsylvania for yielding me the time.

Mr. Speaker, I would like to engage in a colloquy with our colleague, the chairman of the subcommittee with jurisdiction over this act.

In July 1990, the Office of Juvenile Justice and Delinquency Prevention approved a plan submitted by the State of Wisconsin which allowed Wisconsin additional time to complete statutory and regulatory changes, and specified conditions under which Wisconsin would be deemed in compliance with the act. Approval of this plan—confirmed by letter from Robert Sweet, administrator to Jerome Lacke, executive director, Wisconsin Office of Justice Assistance, dated July 17, 1990—represented a good faith agreement with Wisconsin which Wisconsin has been diligently implementing.

It is my understanding that it is not the intent of this legislation to abrogate that agreement, and that the House committee report contains language on page 30 which protects Wisconsin's participation under the act, including the state formula block grant portion of the act, as long as Wisconsin meets the requirements of the agreed to jail removal plan.

Is this also the gentleman's understanding?

Mr. MARTINEZ. Mr. Speaker, will the gentlemen yield?

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

Mr. MARTINEZ. Yes; it is; the gentleman is correct. The gentleman is to be commended because he brought to our attention a special situation that exists in Wisconsin, and I want to assure the gentleman that we have provided language in the report that does take into account the agreement that was made with the Office of JJDP, and there is language in the report to protect that agreement.

Mr. PETRI. Mr. Speaker, I include for the RECORD the House committee report language protecting Wisconsin's participation under the act at this point.

In December of 1988, Wisconsin Governor Tommy G. Thompson notified OJJDP that Wisconsin was conditionally withdrawing from participation in the state formula grant portion of the Juvenile Justice and Delinquency Prevention Act. In June 1989, Governor Thompson notified OJJDP that the State of Wisconsin would not submit a plan for 1989 and would not participate in the Act. In April 1990, the Administrator of OJJDP was asked to reassess Wisconsin's Jail and Lockup Removal Plan. After negotiating a compromise, Wisconsin submitted a revised plan which was approved by OJJDP in July of 1990, providing additional time to complete regulatory and statutory changes necessary to implementing the plan through the issuance of a waiver of termination as authorized under the Act (section 223) and regulations (28 CFR 31.303). This plan specified certain criteria to be met in order for Wisconsin to be in compliance with the Act, and the terms for compliance. Terms agreed to include the use of common staff for both adult and juvenile facilities, provided that the staff is not used in both the adult and juvenile centers at the same time or on the same day, and that such staff be trained and certified to work with juveniles in detention. Such training is to be consistent with national standards for juvenile detention staff.

Although the committee feels that the use of common staff for both juvenile and adult offenders should be prohibited, it also recognizes that the State of Wisconsin entered into an agreement in good faith with the Office of Juvenile Justice and Delinquency Prevention and has been in the process of implementing its plan for the past two years. The committee does not consider it appropriate to supplant this agreement but directs the Office to closely monitor the effects it has on juveniles in custody and report the results to the Chair of the House Committee on Education and Labor and the Chair of the Senate Committee on the Judiciary by December 31, 1995.

If the State of Wisconsin fails to meet the requirements of the "Jail Removal Plan" agreement as described in its state plan and as approved by the Office of Juvenile Justice and Delinquency Prevention (confirmed by letter from Robert Sweet, Administrator, to Jerome Lacke, Executive Director, Wisconsin Office of Justice Assistance, dated July 17, 1990) such that the State is no longer in compliance with the terms of the Act and becomes a nonparticipating State, the State would be required, in order to resume participation, to submit a new state plan for approval by the Office under the statutes and regulations in effect at the time of application.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. FAWELL], who played a leading role in helping the gentleman from California [Mr. MARTINEZ] come us with an outstanding bill.

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

Mr. Speaker, I rise today in support of the House/Senate agreement on H.R. 5194, the Juvenile Justice and Delinquency Prevention Act of 1992. This bill reauthorizes three programs which are vital to the well-being of this country's youth: The Juvenile Justice and Delinquency Prevention Act, the Runaway and Homeless Youth Act, an the Missing Children's Act.

I want to thank Congressman MARTINEZ, the chairman of the Human Resources Subcommittee, for the bipartisan manner in which this reauthorization process has been conducted—from the handling of hearing sites and witnesses through the development of changes in these important laws. I also would like to thank Senators BROWN and KOHL for their hard work and for the cooperative nature of the House/Senate negotiations on this agreement.

The legislation we are voting on today provides important services to at-risk youth, whether they are runaways, homeless youth or youth involved in the juvenile justice system. By providing assistance to these young people today, we are insuring they will become productive members of society tomorrow, instead of part of the adult criminal justice system.

In both the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act, we have added language that will provide counseling to youth and their families before the youth returns home from a detention center or runaway shelter. While aftercare is important, I also believe families should receive counseling before the youth returns home to help insure the same circumstances which led the youth to become involved in delinquent activities or to leave home do not reoccur.

A provision for home-based alternative services has been included in the bill, and I would certainly encourage the use in this area of the innovative home detention program that exists in my district—the 13th Congressional District of Illinois—as a successful alternative to incarceration. On April 7 of this year, Jean Peerson, chief probation officer of the DuPage County Department of Probation and Court Services and Pat McGrath, superintendent of the DuPage County Youth House, testified before the Subcommittee on Human Resources about the innovative home detention program they have developed which allows them to treat youth locally rather than sending them to other jurisdictions when their detention facility is overcrowded. The have a 79-percent success rate, which is at least partially due to their ability to work with the youth and their family at the same time since the youth remains at home. I want to commend these hard working people for helping to get these children and their families back on the right track.

I have talked to many people in my district that work with these programs and I have heard testimony from experts in these areas who have explained the benefits and necessity of these pro-

grams to me. Based on this information, I strongly believe that these programs deserve increased funding in order to solidify and hopefully expand the progress being made. These programs speak for themselves and their success has been verified.

Finally, I want to applaud Congressman GOODLING, the ranking minority member of our committee, for his school coordination and mentoring provisions in this bill. They are both excellent additions to this legislation. Mr. Speaker, I encourage all of my colleagues to support this comprehensive reauthorization package.

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Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back the balance of my time, I just wanted to again reiterate the great pleasure it was working with the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Illinois [Mr. FAWELL] on this legislation and to thank the gentleman from Pennsylvania [Mr. GOODLING] for naming the members of our staff on the Subcommittee on Human Resources who worked so diligently on this piece of legislation.

Mr. WYDEN. Mr. Speaker, I strongly support H.R. 5194 and commend the work of the committee, and particularly Chairman MARTINEZ, for their tireless work in completing this bill.

This spring, at my request and the request of Congresswoman JOLENE UNSOELD, the Subcommittee on Human Relations conducted a field hearing in my district in Portland, OR.

The testimony we heard was alarming, and provided proof that criminal youth gang activity is not just a problem restricted to large urban centers. It is also striking small towns and rural areas throughout the country, and particularly in California and the Northwest. Young people from all social, ethnic and economic backgrounds are at risk. This is not just a problem of the inner city poor.

The Portland Police Bureau Gang Enforcement Team estimates that gang membership in Portland has mushroomed in the last 3 years, from 357 identified gangsters in 1989 to 2,343 in 1992.

Oregon Police have reports of Hispanic and Asian gangs moving up and down Highway 97 selling narcotics and spreading violence as far away as Yakima, WA.

Police have identified 85 gang affiliates between Baker City and Ontario, in rural eastern Oregon, and there's evidence that Crips, a California-based gang, has slipped into Klamath Falls in southern Oregon and is dealing drugs and illegal firearms.

In a worrisome twist to criminal gang activities, national hate groups are recruiting and directing Skinheads, with their frightening agenda of racism and hatred.

Last year $81 million was spent as part of the Juvenile Justice and Delinquency Prevention Act. Oregon received just $480,000 of that money, all of which went to a much-needed outreach program for teenagers girls in gangs.

Less then $2 million in State and local resources are devoted to gang intervention each year in Oregon. In Portland, there are only three halfway homes for teenage boys who want to leave the streets, and each can only house a handful of youths at a time. These three programs cannot handle the 2,000-plus gang-affected youth in the area.

The hearing uncovered a great need in Portland for new and innovative approaches to the gang problem. It also exposed the desperate need, not only in Oregon, but throughout the region, for a greater Federal commitment to fighting the scourge of youth gang crime.

Three recommendations emerged from this hearing, and I am pleased that they were included in H.R. 5194. The first was a recommendation that a regional approach be taken to both prevention and enforcement of gang activity. This provision allows law enforcement and social service programs to develop of community-based gang intervention programs including regional gang programs that will encompass enforcement, intervention and treatment for gang-affected youths.

In the Northwest, we have seen an alarming increase in organized gang activity stretching from Los Angeles to Seattle spreading among rural and suburban communities. This provision would give our States the ability to coordinate activities between the States and communities to prevent and combat criminal gang activity.

The second recommendation was for increased funding for intervention and prevention grants for States. The gang-free schools and communities programs create innovative intervention programs that involve the families, schools and communities of gang-affected youth.

The third critical point that was made in the hearing in Portland was that the grant formula for these programs should not be based on population of the State or region, but on the severity of the gang problem in the area. Now small States with large gang problems will have the opportunity to receive critical Federal support.

H.R. 5194 provides hope to communities seeking relief from the tragic and frightening youth gang problem, and I urge my colleagues to support it.

Mr. FORD of Michigan. Mr. Speaker, I rise today in strong support of the reauthorization of the Juvenile Justice and Delinquency Prevention Act. I want to congratulate Mr. MARTINEZ, the chairman of the Subcommittee on Human Resources, and Mr. FAWELL, the ranking minority member for working so hard to bring the House a bipartisan bill.

The intent of this act in 1974 was to rehabilitate juveniles in an effort to stop juvenile criminal offenders from becoming adult criminal offenders. In today's political climate where a too ready answer to rising juvenile crime tends to be locking kids up and waiving 14-, 13-, and even 12-year-olds up to the adult justice system, it is imperative that we step back and reexamine the disparity between the intent of the initial JJDP Act and where the juvenile justice system is actually heading today.

The Juvenile Justice and Delinquency Act provides a Federal framework for States with regard to much needed services for youths and their families. Strong emphasis is placed on a preventive and interventive approach by working not only with the resulting problems, but also with families in an attempt to change the factors, such as physical and mental abuse, education, and drug and alcohol abuse, which contribute to delinquent behavior.

Locking kids up does not work to make them law abiding citizens. This bill reiterates the intent of the initial JJDP Act by directing that appropriate treatment for juvenile delinquents take into account the whole youth, not just his or her delinquent behavior.

This bill works to insure that appropriate treatment acknowledges the distinction made between violent and nonviolent juvenile offenders, that youth are not locked up with adults, and that status offenders are not locked up at all.

Highlights of the bill include education, comprehensive and coordinated community-based services and alternatives to incarceration, mental health services, and family-involved alternative services. Special studies are included to examine gender-specific services, juveniles waived to adult courts, hate crimes, and violent crimes committed by and against juveniles in urban and rural areas.

The gang prevention and intervention section has been expanded to focus on targeting elementary school children, family preservation, community empowerment, and holding juveniles responsible for their actions.

The bill also reauthorizes the Runaway and Homeless Youth Program with various improvements, including expanding the basic grant provision to include home-based and street-based services. And the bill reauthorizes the Missing and Exploited Children's Act for another 4 years.

Mr. Speaker, the Juvenile Justice and Delinquency Prevention Act is authorized at $150 million in fiscal year 1993 and such sums as may be appropriated thereafter. I regret that we find ourselves in a situation where the bill is funded at no more than half its authorized level.

I urge my colleagues to join me in support of this important legislation.

Mr. KILDEE. Mr. Speaker, I rise in support of H.R. 5194, the Juvenile Justice and Delinquency Prevention Amendments of 1992, which extends the Juvenile Justice and Delinquency Prevention Act of 1974 for 4 additional years.

This bill makes many important improvements in the act.

The first is the new title II, Gang-Free Schools and Communities Program which is identical to H.R. 5175, The Gang-Free Schools and Communities Act, which I introduced earlier this year with other members of the subcommittee. This replaces the existing program which was enacted in 1988 and which, unfortunately, has accomplished little except for research. This new program authorizes $25 million primarily to support local service projects designed to help organize and support gang prevention and intervention projects that substantially involve public schools.

Educational services, when coordinated with social and mental health services available through community-based youth services or-

ganizations and other public agencies, can become powerful tools to prevent youth from joining or participating in gang activities. Youth who are, or may become, gang members must have access to these kinds of comprehensive services if we want them to participate in lawful, constructive activities, and to make safe and healthy decisions about their futures.

The second improvement relates to the issue of the so-called valid court order. This provision of the law provides an exception to the requirement that status offenders are to be treated in nonsecure facilities in cases where a youth violates a valid order of the court. I opposed the adoption of this exception 12 years ago and have continued to have concerns about its use. The bill provides for local reviews of these orders to ensure that runaways and other status offenders will not be held in secure detention if nonsecure treatment options are available in the community.

Additionally, H.R. 5194 provides for other important improvements including:

First, new requirements for States to reduce any disproportionate incarceration of minority youth and to establish comprehensive and coordinated community systems of services;

Second, new State plan requirements which place a stronger emphasis on dropout prevention and on maintaining and strengthening families;

Third, a new authorization for monitoring programs; and

Fourth, authority for the Secretary of Health and Human Services to make grants to runaway centers to support the provision of street-based as well as home-based services when the appropriation for the Runaway and Homeless Youth Act exceeds $50 million.

Mr. Speaker, H.R. 5194 continues the tradition of bipartisan support which has always attended the Juvenile Justice and Delinquency Prevention Act. I want to express my appreciation for the hard work of the subcommittee chairman, Mr. MARTINEZ, and the ranking Republican, Mr. FAWELL. They have brought us an excellent bill which I am pleased to support.

Mr. RICHARDSON. Mr. Speaker, the Juvenile Justice and Delinquency Prevention Act has had a major impact on our juvenile justice system for 18 years. It has determined the role our Federal Government will take in these proceedings and, more importantly, it has provided States with guidelines and programs to help address the needs of troubled youth.

I believe the legislation before us today will help improve the existing system so that we may address the increase of crime activity among youth our society is experiencing and target at-risk youth to prevent criminal activity before it starts.

While I will be supporting this legislation, as one of the Representatives from New Mexico, I am compelled to express concerns about the impact some of the provisions included in H.R. 5194 will have on rural, geographically isolated and financially strapped States like New Mexico.

In New Mexico, we receive $325,000 annually that must be divided among 33 counties for facilities, the providing of staff and training, the transportation of juveniles to certified juvenile detention centers and nonsecure alternatives to detention centers such as shelter homes. This is not a lot of money—as a matter of fact, it is the minimum amount required within the statute. While this is not a lot of money, I believe New Mexico has gone to great lengths to protect those juveniles in detention centers and promote a high quality of care.

A provision included in H.R. 5194 would prohibit the sharing of detention staffers under any circumstances and would only allow a waiver from meeting each and every mandate until fiscal year 1994. After that each State would see a reduction in funding by 25 percent for each mandate it failed to meet.

In New Mexico's case, many counties barely have enough funding to hire one set of trained detention staffers let alone two separate staffers. While I understand the intent of this language, I am concerned that rural counties are already having difficulty hiring enough detention staff on existing funding without being further penalized with reduced funding due to their inability to meet staffing mandates. Additionally, their efforts to ensure the safety and security of juveniles and specialized training for detention officers that work with youth are not being taken into consideration.

As I stated earlier, I will be supporting this legislation but I hope both the Committee and the Department of Justice will keep these issues in mind for future legislation and rulemaking.

Mr. CRAMER. Mr. Chairman, I rise today to join my colleagues in supporting the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

This reauthorization measure is important for several reasons. It helps to strengthen families. A strong, self-confident, and loving family is our best defense against the crisis of delinquency. Enriching local communities through Federal assistance so that those communities can actively act on behalf of children and families is accomplished in the reauthorization bill. This bill strengthens our delinquency prevention efforts. The old adage is aptly applied here: An ounce of prevention is worth a pound of cure. It is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact.

I would like to thank Chairman MARTINEZ of the Human Resources Subcommittee and the entire Education and Labor Committee for the excellent work that has been done to address the needs of juveniles, prevent delinquency and help local communities address their unique situations. Chairman MARTINEZ willingly and diligently worked with me and several others to incorporate into the bill a children's advocacy section designed to help prevent juvenile delinquency and minimize the trauma a child may experience due to physical and sexual abuse.

I would also like to thank Chairman OWENS of the Select Education Subcommittee and Chairwoman SCHROEDER of the Select Committee on Children, Youth, and Families for their support on the National Children's Advocacy Program Act of 1992 that is included in the reauthorization package. We were fortunate to have a number of Members support the bill from both sides of the aisle. I appreciate their support.

In the other body, I would like to commend Chairman BIDEN for his leadership. In 1990, Chairman BIDEN sponsored the Victims of Child Abuse Act. That Act highlighted the benefits of the multidiciplinary team approach to addressing child abuse and neglect reports. Chairman BIDEN was interested in my bill H.R. 4729, saw the merits of it and how it complemented his previous efforts. Working with the Judiciary Committee, we were able to incorporate H.R. 4729 into the Victims of Child Abuse Act of 1990.

Chairman KOHL and his staff were of great assistance in helping us craft a responsible measure that would enhance the reauthorization of the Juvenile Justice and Delinquency Prevention Act. Additionally, Senator NICKLES, the Senate primary sponsor of the National Children's Advocacy Program Act of 1992, and my senior Alabama Senator, Senator HEFLIN, were instrumental in helping us raise this issue in that body.

If I may take a few moments, I would like to discuss the purpose of section 6 of the reauthorization package. The purpose of the Children's Advocacy Program is to provide information, services, and assistance to communities so that such communities can establish multidiciplinary teams and programs to respond to child abuse.

First, the bill makes the child the central focus and works to protect the child, punish the offender, and prevent such future heinous acts. Second, the bill will, in the long term, establish a national network of comprehensive, community-based child abuse intervention, prevention, prosecution, and investigation programs. Third, the program established by this bill will provide training on the most effective community-based treatment approaches to child physical and sexual abuse and will disseminate the information so that there will be a continuous replication of the training.

Fourth, the bill does not establish a particular model that must be followed—to the contrary it allows a community to design a program that fits that community's particular needs, including being culturally responsive. Fifth, the Children's Advocacy Program recognizes the importance of training physicians and other health care professionals in the multidisciplinary approach to child abuse so that trained personnel will be available to provide medical support to community agencies that respond to child abuse. Sixth, the bill establishes a Children's Advocacy Advisory Board that will ensure that the program being implemented is addressing the needs that exist. A majority of the board members shall be individuals experienced in child abuse investigation, prosecution, prevention, and intervention systems.

The bill before us recognizes that child abuse and neglect is all too often a precursor of juvenile delinquency. Multidisciplinary child abuse programs yield the future benefits of preventing adolescent criminal behavior. These programs help break the chain of abusive behavior. Study upon study shows that there is a relationship between the child abuse and juvenile delinquency.

One of the bigger problems many communities are facing, regardless of size or geographic location, is the problem of runaways or thrownaways. Researchers report that large

numbers of runaway or thrownaway youth were subjected to physical or sexual abuse prior to leaving the household. Some runaway adolescents use illegal drugs, engage in prostitution, or participate in other types of illegal activities that may bring them into contact with the juvenile justice system.

The weight of the evidence indicates a relationship between child maltreatment and delinquency. Studies continue to show that child abuse and neglect are related to delinquency. Thus, to the extent we are able to effectively address child abuse cases, we can positively impact the lives of abused children and prevent them from becoming delinquents or abusers themselves.

The U.S. Advisory Board on Child Abuse and neglect noted in its 1991 report that the Nation continually pays for the social and personal costs of substance abuse, eating disorders, depression, adolescent pregnancy, suicide, juvenile delinquency, prostitution, pornography, and violent crime—all of which may have substantial roots in childhood abuse and neglect. Our bill today is cost-effective preventive medicine.

This is not an inside-the-beltway proposal. It is a local community empowerment proposal. It is a proposal to help American cities, towns and villages. That is to say, the Children's Advocacy Program spreads the concept of the multifaceted, multidisciplinary and comprehensive approach to child abuse nationwide but makes sure that each community has the flexibility to design a program to fit its unique needs.

It assists prosecutors, courts, social services agencies and other agencies in helping abused children. That is a local responsibility; the Federal role should be limited. We are not looking for Washington to micromanage this program. Our bill calls for community enrichment.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLTER). The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and agree to the resolution, House Resolution 594.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INDIAN HEALTH AMENDMENTS OF 1992

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2481) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, as amended.

The Clerk read as follows:

S. 2481

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 the matter preceding paragraph (a), by striking "finds that—" and inserting "finds the following:";

(2) in paragraph (d), by striking out the second sentence; and

(3) 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 60 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 20 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) Increase to at least 45 percent the proportion of individuals aged 35 to 44 who have never lost a permanent tooth due to dental caries or periodontal disease.

"(24) Reduce destructive periodontal disease to a prevalence of no more than 15 percent among individuals aged 35 to 44.

"(25) Increase to at least 50 percent the proportion of children who have received protective sealants on the occlusal (chewing) surfaces of permanent molar teeth.

"(26) Reduce the prevalence of gingivitis among individuals aged 35 to 44 to no more than 50 percent.

"(27) Reduce the infant mortality rate to no more than 8.5 per 1,000 live births.

"(28) Reduce the fetal death rate (20 or more weeks of gestation) to no more than 4 per 1,000 live births plus fetal deaths.

"(29) Reduce the maternal mortality rate to no more than 3.3 per 100,000 live births.

"(30) Reduce the incidence of fetal alcohol syndrome to no more than 2 per 1,000 live births.

"(31) Reduce stroke deaths to no more than 20 per 100,000.

"(32) 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.

"(33) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(34) Reduce deaths from cancer of the uterine cervix to no more than 1.3 per 100,000 women.

"(35) Reduce colorectal cancer deaths to no more than 13.2 per 100,000.

"(36) Reduce to no more than 11 percent the proportion of individuals who experience a limitation in major activity due to chronic conditions.

"(37) Reduce significant hearing impairment to a prevalence of no more than 82 per 1,000.

"(38) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(39) Reduce diabetes-related deaths to no more than 48 per 100,000.

"(40) 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.

"(41) 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.

"(42) Confine annual incidence of diagnosed AIDS cases to no more than 1,000 cases.

"(43) Confine the prevalence of HIV infection to no more than 100 per 100,000.

"(44) Reduce gonorrhea to an incidence of no more than 225 cases per 100,000.

"(45) Reduce chlamydia trachomatis infections, as measured by a decrease in the inci-

dence of nongonococcal urethritis to no more than 170 cases per 100,000.

"(46) Reduce primary and secondary syphilis to an incidence of no more than 10 cases per 100,000.

"(47) 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.

"(48) Reduce viral hepatitis B infection to no more than 40 per 100,000 cases.

"(49) 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.

"(50) Reduce epidemic-related pneumonia and influenza deaths among individuals aged 65 and older to no more than 7.3 per 100,000.

"(51) Reduce the number of new carriers of viral hepatitis B among Alaska Natives to no more than 1 case.

"(52) Reduce tuberculosis to an incidence of no more than 5 cases per 100,000.

"(53) Reduce bacterial meningitis to no more than 8 cases per 100,000.

"(54) Reduce infectious diarrhea by at least 25 percent among children.

"(55) 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.

"(56) Reduce cigarette smoking to a prevalence of no more than 20 percent.

"(57) Reduce smokeless tobacco use by youth to a prevalence of no more than 10 percent.

"(58) Increase to at least 65 percent the proportion of parents and caregivers who use feeding practices that prevent baby bottle tooth decay.

"(59) Increase to at least 75 percent the proportion of 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.

"(60) Increase to at least 90 percent the proportion of pregnant women who receive prenatal care in the first trimester of pregnancy.

"(61) Increase to at least 70 percent the proportion of individuals 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 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) 'Health profession' means family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, and allied health professions.

"(o) 'Substance abuse' includes inhalant abuse.

"(p) 'FAE' means fetal alcohol effect.

"(q) '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 and encouraging and assisting them—

"(A) to enroll in courses of study in such health 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.";

(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 in a health profession, 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";

(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 Indian Health Scholarship recipients 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 Indian Health Scholarship recipients 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".

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) QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.—Section 112 of the Act (25 U.S.C. 1616e) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) The Secretary shall provide one of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 114(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 217(b).".

(c) TRAINING FOR NURSE MIDWIVES, NURSE ANESTHETISTS, AND NURSE PRACTITIONERS.—Section 112(g) of the Act (25 U.S.C. 1616e(g)) (as redesignated by subsection (b)(1) of this section) is amended to read as follows:

"(g) 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, nurse anesthetists, and nurse practitioners.".

(d) 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.".

(e) 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 program 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 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 paid 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.".

(f) GRANTS FOR THE PROVISION OF PRIMARY CARE SERVICES ON OR NEAR INDIAN COUNTRY.—Title I of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended by adding immediately after section 112 the following new section:

"NURSING SCHOOL CLINICS

"SEC. 112A. (a) GRANTS.—In addition to the authority of the Secretary under section 112(a)(1), the Secretary, acting through the Service, is authorized to provide grants to public or private schools of nursing for the purpose of establishing, developing, operating, and administering clinics to address the health care needs of Indians, and to provide primary health care services to Indians who reside on or within 50 miles of Indian country, as defined in section 1151 of title 18, United States Code.

"(b) PURPOSES.—Grants provided under subsection (a) may be used to—

"(1) establish clinics, to be run and staffed by the faculty and students of a grantee school, to provide primary care services in areas in or within 50 miles of Indian country (as defined in section 1151 of title 18, United States Code);

"(2) provide clinical training, program development, faculty enhancement, and student scholarships in a manner that would benefit such clinics; and

"(3) carry out any other activities determined appropriate by the Secretary.

"(c) AMOUNT AND CONDITIONS.—The Secretary may award grants under this section in such amounts and subject to such conditions as the Secretary deems appropriate.

"(d) DESIGN.—The clinics established under this section shall be designed to provide nursing students with a structured clinical experience that is similar in nature to that provided by residency training programs for physicians.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.

"(f) AUTHORIZATION TO USE AMOUNTS.—Out of amounts appropriated to carry out this title for each of the fiscal years 1993 through 2000 not more than $5,000,000 may be used to carry out this section.".

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 "health professionals"; 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 "health profession" and inserting in lieu thereof the following: "a health profession";

(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, or other health profession" and inserting in lieu thereof the following: "a health profession"; and

(iii) in clause (ii) (as redesignated by clause (i) of this subparagraph), by striking out "medicine, osteopathy, dentistry, or other health profession" and inserting in lieu thereof the following: "a health profession"; 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) PRIORITY.—Section 108(d) of the Act (25 U.S.C. 1616a(d)) is amended—

(1) in paragraph (1), by striking out "The" and inserting "Consistent with paragraph (3), the"; and

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

"(3)(A) Subject to subparagraph (B), of the total amounts appropriated for each of the fiscal years 1993, 1994, and 1995 for loan repayment contracts under this section, the Secretary shall provide that—

"(i) not less than 25 percent be provided to applicants who are nurses, nurse practitioners, or nurse midwives; and

"(ii) not less than 10 percent be provided to applicants who are mental health professionals (other than applicants described in clause (i)).

"(B) The requirements specified in clause (i) or clause (ii) of subparagraph (A) shall not apply if the Secretary does not receive the number of applications from the individuals described in clause (i) or clause (ii), respectively, necessary to meet such requirements.".

(c) 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).".

(d) 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".

(e) 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—".

(f) 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 (or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act) 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.".

(g) 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.

(h) 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 an 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.".

(i) 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 inserting after "North Dakota," the following: "to be known as the 'Quentin N. Burdick Indian Health Programs',"; and

(2) by adding at the end the following: "Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 217(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 112(e).".

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(l) 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 or community health practitioners;

"(2) uses such aides or practitioners 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 or community health practitioners.

"(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 and community health practitioners to ensure that such aides and practitioners 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 or community health practitioners 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 and community health practitioners 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 community health practitioners; and

"(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.".

SEC. 112. MATCHING GRANTS TO TRIBES.

Title I of the Act (as amended by section 111 of this Act) is amended by adding at the end the following new section:

"MATCHING GRANTS TO TRIBES FOR SCHOLARSHIP PROGRAMS

"SEC. 120. (a)(1) The Secretary shall make grants to Indian tribes and tribal organizations for the purpose of assisting such tribes and tribal organizations in educating Indians to serve as health professionals in Indian communities.

"(2) Amounts available for grants under paragraph (1) for any fiscal year shall not exceed 5 percent of amounts available for such fiscal year for Indian Health Scholarships under section 104.

"(3) An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as the Secretary determines are necessary to carry out this section.

"(b)(1) An Indian tribe or tribal organization receiving a grant under subsection (a) shall agree to provide scholarships to Indians pursuing education in the health professions in accordance with the requirements of this section.

"(2) With respect to the costs of providing any scholarship pursuant to paragraph (1)—

"(A) 80 percent of the costs of the scholarship shall be paid from the grant made under subsection (a) to the Indian tribe or tribal organization; and

"(B) 20 percent of such costs shall be paid from non-Federal contributions by the Indian tribe or tribal organization through which the scholarship is provided.

"(3) In determining the amount of non-Federal contributions that have been provided for purposes of subparagraph (B) of paragraph (2), any amounts provided by the Federal Government to the Indian tribe or tribal organization involved or to any other entity shall not be included.

"(4) Non-Federal contributions required by subparagraph (B) of paragraph (2) may be provided directly by the Indian tribe or tribal organization involved or through donations from public and private entities.

"(c) An Indian tribe or tribal organization shall provide scholarships under subsection (b) only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in one of the health professions described in section 104(a).

"(d) In providing scholarships under subsection (b), the Secretary and the Indian tribe or tribal organization shall enter into a written contract with each recipient of such scholarship. Such contract shall—

"(1) obligate such recipient to provide service in an Indian health program (as defined in section 108(a)(2)(A)), in the same service area where the Indian tribe or tribal organization providing the scholarship is located, for—

"(A) a number of years equal to the number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

"(B) such greater period of time as the recipient and the Indian tribe or tribal organization may agree;

"(2) provide that the amount of such scholarship—

"(A) may be expended only for—

"(i) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

"(ii) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled; and

"(B) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in subparagraph (A);

"(3) require the recipient of such scholarship to maintain an acceptable level of academic standing (as determined by the educational institution in accordance with regulations issued by the Secretary); and

"(4) require the recipient of such scholarship to meet the educational and licensure requirements necessary to be a physician, certified nurse practitioner, certified nurse midwife, or physician assistant.

"(e)(1) An individual who has entered into a written contract with the Secretary and an Indian tribe or tribal organization under subsection (d) and who—

"(A) 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),

"(B) is dismissed from such educational institution for disciplinary reasons,

"(C) 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

"(D) 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 Federal share of the amount which has been paid to him, or on his behalf, under the contract.

"(2) If for any reason not specified in paragraph (1), an individual breaches his written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount de-

termined in accordance with the formula specified in subsection (1) of section 108 in the manner provided for in such subsection.

"(3) The Secretary may carry out this subsection on the basis of information submitted by the tribes or tribal organizations involved, or on the basis of information collected through such other means as the Secretary determines to be appropriate.

"(f) The recipient of a scholarship under subsection (b) shall agree, in providing health care pursuant to the requirements of subsection (d)(1)—

"(1) not to discriminate against an individual seeking such care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in title XVIII of the Social Security Act or pursuant to the program established in title XIX of such Act; and

"(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX of such Act to provide service to individuals entitled to medical assistance under the plan.

"(g) The Secretary may not make any payments under subsection (a) to an Indian tribe or tribal organization for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Indian tribe or tribal organization has complied with requirements of this section.".

SEC. 113. TRIBAL HEALTH PROGRAM ADMINISTRATION.

Title I of the Act (as amended by section 112 of this Act) is amended by adding at the end the following new section:

"TRIBAL HEALTH PROGRAM ADMINISTRATION

"SEC. 121. The Secretary shall, by contract or otherwise, provide training for individuals in the administration and planning of tribal health programs.".

SEC. 114. TRIBALLY CONTROLLED VOCATIONAL INSTITUTIONS.

(a) NURSING PROGRAM GRANTS.—Section 112(a)(2) of the Act (25 U.S.C. 1616e(a)(2)) is amended by inserting before the comma the following: "and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2))".

(b) TRIBAL CULTURE AND HISTORY PROGRAMS.—Section 113(b)(1) of the Act (25 U.S.C. 1616f(b)(1) is amended by inserting before the comma "and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2))".

SEC. 115. CONTINUING EDUCATION ALLOWANCES.

Section 106(b) of the Act (25 U.S.C. 1615(b)) is amended to read as follows:

"(b) Of amounts appropriated under the authority of this title for each fiscal year to be used to carry out this section, not more than $1,000,000 may be used to establish postdoctoral training programs for health professionals.".

SEC. 116. UNIVERSITY OF SOUTH DAKOTA MODEL HEALTH PROGRAM.

Title I of the Act (as amended by section 113 of this Act) is amended by adding at the end the following new section:

"UNIVERSITY OF SOUTH DAKOTA PILOT PROGRAM

"SEC. 122. (a) The Secretary may make a grant to the School of Medicine of the University of South Dakota (hereafter in this section referred to as 'USDSM') to establish a pilot program on an Indian reservation at one or more service units in South Dakota to address the chronic manpower shortage in the Aberdeen Area of the Service.

"(b) The purposes of the program established pursuant to a grant provided under subsection (a) are—

"(1) to provide direct clinical and practical experience at a service unit to medical students and residents from USDSM and other medical schools;

"(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

"(3) to provide academic and scholarly opportunities for physicians, physician assistants, nurse practitioners, nurses, and other allied health professionals serving Indian people by identifying and utilizing all academic and scholarly resources of the region.

"(c) The pilot program established pursuant to a grant provided under subsection (a) shall—

"(1) incorporate a program advisory board composed of representatives from the tribes and communities in the area which will be served by the program; and

"(2) shall be designated as an extension of the USDSM campus and program participants shall be under the direct supervision and instruction of qualified medical staff serving at the service unit who shall be members of the USDSM faculty.

"(d) The USDSM shall coordinate the program established pursuant to a grant provided under subsection (a) with other medical schools in the region, nursing schools, tribal community colleges, and other health professional schools.

"(e) The USDSM, in cooperation with the Service, shall develop additional professional opportunities for program participants on Indian reservations in order to improve the recruitment and retention of qualified health professionals in the Aberdeen Area of the Service.".

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title I of the Act (as amended by section 116 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. 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 108, by striking out subsection (o);

(4) in section 110, by striking out subsection (c);

(5) in section 113, by striking out subsection (c);

(6) in section 114, by striking out subsection (e);

(7) in section 115, by striking out subsection (f); and

(8) 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, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances."; 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.

(a) IN GENERAL.—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 1993, 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".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall take effect January 1, 1993.

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 for all members of the tribe from—

"(1) a tribally owned and operated managed care plan; or

"(2) a State licensed managed care plan.

"(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";

(3) in subsection (a) and subsection (e)(1)(A), by inserting ", an Indian tribe, or a tribal organization" after "Secretary" each place it appears; and

(4) in subsection (b), by striking ", or any political subdivision of a State,".

(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)(1) The Secretary shall establish an epidemiology center in each Service area to carry out the functions described in paragraph (3).

"(2) To assist such centers in carrying out such functions, the Secretary shall perform the following:

"(A) In consultation with the Centers for Disease Control and Indian tribes, develop sets of data (which to the extent practicable, shall be consistent with the uniform data sets used by the States with respect to the year 2000 health objectives) for uniformly defining health status for purposes of the objectives specified in section 3(b). Such sets shall consist of one or more categories of information. The Secretary shall develop formats for the uniform collecting and reporting of information on such categories.

"(B) Establish and maintain a system for monitoring the progress made toward meeting each of the health status objectives described in section 3(b).

"(3) In consultation with Indian tribes and urban Indian communities, each area epidemiology center established under this subsection shall, with respect to such area—

"(A) collect data relating to, and monitor progress made toward meeting, each of the health status objectives described in section 3(b) using the data sets and monitoring system developed by the Secretary pursuant to paragraph (2);

"(B) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

"(C) 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;

"(D) make recommendations for the targeting of services needed by tribal, urban, and other Indian communities;

"(E) make recommendations to improve health care delivery systems for Indians and urban Indians;

"(F) work cooperatively with tribal providers of health and social services in order to avoid duplication of existing services; and

"(G) provide technical assistance to Indian tribes and urban Indian organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community.

"(4) Epidemiology centers established under this subsection shall be subject to the provisions of the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

"(5) The director of the Centers for Disease Control shall provide technical assistance to the centers in carrying out the requirements of this subsection.

"(6) 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 subsection.

"(b)(1) The Secretary may make grants to Indian tribes, tribal organizations, and eligible intertribal consortia or Indian organizations to conduct epidemiological studies of Indian communities.

"(2) An intertribal consortia or Indian organization is eligible to receive a grant under this subsection if—

"(A) it is incorporated for the primary purpose of improving Indian health; and

"(B) it is representative of the tribes or urban Indian communities in which it is located.

"(3) An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

"(4) Applicants for grants under this subsection shall—

"(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

"(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

"(C) demonstrate cooperation from Indian tribes or urban Indian organizations in the area to be served.

"(5) A grant awarded under paragraph (1) may be used to—

"(A) carry out the functions described in subsection (a)(3);

"(B) provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff, on health care and health services management issues; and

"(C) provide, in collaboration with tribes and urban Indian communities, the Service with information regarding ways to improve the health status of Indian people.

"(6) There are authorized to be appropriated to carry out the purposes of this subsection not more than $12,000,000 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. 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. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

Title II of the Act (as amended by section 212 of this Act) is amended by adding at the end the following new section:

"AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM

"SEC. 217. (a) The Secretary may provide grants to at least 3 colleges and universities for the purpose of developing and maintaining American Indian psychology career recruitment programs as a means of encouraging Indians to enter the mental health field.

"(b) The Secretary shall provide one of the grants authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall,to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 114(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 112(e), and existing university research and communications networks.

"(c)(1) The Secretary shall issue regulations for the competitive awarding of the grants provided under this section.

"(2) Applicants for grants under this section shall agree to provide a program which, at a minimum—

"(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations that will be served by the program;

"(B) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

"(C) provides summer enrichment programs to expose Indian students to the varied fields of psychology through research, clinical, and experiential activities;

"(D) provides stipends to undergraduate and graduate students to pursue a career in psychology;

"(E) develops affiliation agreements with tribal community colleges,the Service, university affiliated programs, and other appropriate entities to enhance the education of Indian students;

"(F) to the maximum extent feasible, utilizes existing university tutoring, counseling and student support services; and

"(G) to the maximum extent feasible, employs qualified Indians in the program.

"(d) The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate student who receives a stipend described in subsection (c)(2)(D) that is funded by a grant provided under this section. Such obligation shall be met by service—

"(1) in the Indian Health Service;

"(2) in a program conducted under a contract entered into under the Indian Self-Determination Act;

"(3) in a program assisted under title V of this Act; or

"(4) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.".

SEC. 214. PREVENTION, CONTROL, AND ELIMINATION OF TUBERCULOSIS.

Title II of the Act (as amended by section 213 of this Act) is amended by adding at the end the following new section:

"PREVENTION, CONTROL, AND ELIMINATION OF TUBERCULOSIS

"SEC. 218. (a) The Secretary, acting through the Service after consultation with the Centers for Disease Control, may make grants to Indian tribes and tribal organizations for—

"(1) projects for the prevention, control, and elimination of tuberculosis;

"(2) public information and education programs for the prevention, control, and elimination of tuberculosis; and

"(3) education, training, and clinical skills improvement activities in the prevention, control, and elimination of tuberculosis for health professionals, including allied health professionals.

"(b) The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains the assurances required by subsection (c) and such other agreements, assurances, and information as the Secretary may require.

"(c) To be eligible for a grant under subsection (a), an applicant must provide assurances satisfactory to the Secretary that—

"(1) the applicant will coordinate its activities for the prevention, control, and elimination of tuberculosis with activities of the Centers for Disease Control, and State and local health agencies; and

"(2) the applicant will submit to the Secretary an annual report on its activities for the prevention, control, and elimination of tuberculosis.

"(d) In carrying out this section, the Secretary—

"(1) shall establish criteria for the review and approval of applications for grants under subsection (a), including requirement of public health qualifications of applicants;

"(2) shall, subject to available appropriations, make at least one grant under subsection (a) within each area office;

"(3) may, at the request of an Indian tribe or tribal organization, provide technical assistance; and

"(4) shall prepare and submit a report to the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House and the Select Committee on Indian Affairs of the Senate not later than February 1, 1994, and biennially thereafter, on the use of funds under this section and on the progress made toward the prevention, control, and elimination of tuberculosis among Indian tribes and tribal organizations.

"(e) The Secretary may, at the request of a recipient of a grant under subsection (a), reduce the amount of such grant by—

"(1) the fair market value of any supplies or equipment furnished the grant recipient; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the grant recipient and the amount of any other costs incurred in connection with the detail of such officer or employee,

when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such grant recipient and for the purpose of carrying out a program with respect to which the grant under subsection (a) is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based, and such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.".

SEC. 215. CONTRACT HEALTH SERVICES.

Title II of the Act (as amended by section 214 of this Act) is amended by adding at the end the following new sections:

"CONTRACT HEALTH SERVICES PAYMENT STUDY

"SEC. 219. (a) The Secretary, acting through the Service and in consultation with representatives of Indian tribes and tribal organizations operating contract health care programs under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or under self-governance compacts, Service personnel, private contract health services providers, the Indian Health Service Fiscal Intermediary, and other appropriate experts, shall conduct a study—

"(1) to assess and identify administrative barriers that hinder the timely payment for services delivered by private contract health services providers to individual Indians by the Service and the Indian Health Service Fiscal Intermediary;

"(2) to assess and identify the impact of such delayed payments upon the personal credit histories of individual Indians who have been treated by such providers; and

"(3) to determine the most efficient and effective means of improving the Service's contract health services payment system and ensuring the development of appropriate consumer protection policies to protect individual Indians who receive authorized services from private contract health services providers from billing and collection practices, including the development of materials and programs explaining patients' rights and responsibilities.

"(b) The study required by subsection (a) shall—

"(1) assess the impact of the existing contract health services regulations and policies upon the ability of the Service and the Indian Health Service Fiscal Intermediary to process, on a timely and efficient basis, the payment of bills submitted by private contract health services providers;

"(2) assess the financial and any other burdens imposed upon individual Indians and private contract health services providers by delayed payments;

"(3) survey the policies and practices of collection agencies used by contract health services providers to collect payments for services rendered to individual Indians;

"(4) identify appropriate changes in Federal policies, administrative procedures, and regulations, to eliminate the problems experienced by private contract health services providers and individual Indians as a result of delayed payments; and

"(5) compare the Service's payment processing requirements with private insurance claims processing requirements to evaluate the systemic differences or similarities employed by the Service and private insurers.

"(c) Not later than 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report that includes—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.

"PROMPT ACTION ON PAYMENT OF CLAIMS

"SEC. 220. (a) The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) The Service shall pay a completed contract care service claim within 30 days after completion of the claim.

"DEMONSTRATION OF ELECTRONIC CLAIMS PROCESSING

"SEC. 221. (a) Not later than June 15, 1993, the Secretary shall develop and implement, directly or by contract, 2 projects to demonstrate in a pilot setting the use of claims processing technology to improve the accuracy and timeliness of the billing for, and payment of, contract health services.

"(b) The Secretary shall conduct one of the projects authorized in subsection (a) in the Service area served by the area office located in Phoenix, Arizona.

"LIABILITY FOR PAYMENT

"SEC. 222. (a) A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

"(b) The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services.".

SEC. 216. OFFICE OF WOMEN'S INDIAN HEALTH CARE.

Title II of the Act (as amended by section 215 of this Act) is amended by adding at the end the following new section:

"OFFICE OF INDIAN WOMEN'S HEALTH CARE

"SEC. 223. There is established within the Service an Office of Indian Women's Health

Care to oversee efforts of the Service to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.".

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title II of the Act (as amended by section 216 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 224. Except as provided in sections 209(m), 211, 213, 214(b)(5), 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, by striking out subsection (e);

(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 (a)(2), by striking out "Hospitals" and inserting "Health Care Organizations";

(2) 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.";

(3) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) 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—";

(5) 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 on an island.

"(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(c) of the Act (25 U.S.C. 1637(c)(3)) is amended—

(1) in paragraph (1)(A), by inserting "or program" immediately after "facility" each place it appears;

(2) in paragraph (3)(A)—

(A) by striking "The" and inserting "On or before September 30, 1995, the"; and

(B) by adding before the colon the following: "and for which a completed application has been received by the Secretary"; and

(3) by striking subparagraph (B) and inserting the following:

"(B) The Secretary may also enter into contracts or award grants under this section taking into consideration applications received under this section from all service areas. 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. EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION.

Section 305 of the Act (25 U.S.C. 1634) is amended to read as follows:

"EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION

"SEC. 305. (a)(1) Notwithstanding any other provision of law, the Secretary is authorized to accept any major renovation or modernization by any Indian tribe of any Service facility, or of any other Indian health facility operated pursuant to a contract entered into under the Indian Self-Determination Act, including—

"(A) any plans or designs for such renovation or modernization; and

"(B) any renovation or modernization for which funds appropriated under any Federal law were lawfully expended,

but only if the requirements of subsection (b) are met.

"(2) The Secretary shall maintain a separate priority list to address the needs of such facilities for personnel or equipment.

"(3) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, the priority list maintained pursuant to paragraph (2).

"(b) The requirements of this subsection are met with respect to any renovation or modernization if—

"(1) the tribe or tribal organization—

"(A) provides notice to the Secretary of its intent to renovate or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for personnel or equipment; and

"(2) the renovation or modernization—

"(A) is approved by the appropriate area director of the Service; and

"(B) is administered by the tribe in accordance with the rules and regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(c) If any Service facility which has been renovated or modernized by an Indian tribe under this section ceases to be used as a Service facility during the 20-year period beginning on the date such renovation or modernization is completed, such Indian tribe shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such renovation or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such renovation or modernization) bore to the value of such facility at the time of the completion of such renovation or modernization.".

SEC. 306. LAND TRANSFER.

Title III of the Act is amended by adding at the end the following new section:

"LAND TRANSFER

"SEC. 308. The Bureau of Indian Affairs is authorized to transfer, at no cost, up to 5 acres of land at the Chemawa Indian School, Salem, Oregon, to the Service for the provision of health care services. The land authorized to be transferred by this section is that land adjacent to land under the jurisdiction of the Service and occupied by the Chemawa Indian Health Center.".

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title III of the Act (as amended by section 306 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 309. 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).

SEC. 308. BUY AMERICAN REQUIREMENT.

Title III of the Act (as amended by section 307 of this Act) is amended by adding at the end the following new section:

"APPLICABILITY OF BUY AMERICAN REQUIREMENT

"SEC. 310. (a) The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in section 309.

"(b) The Secretary 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 the authorization contained in section 309. 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) 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 the authorization contained in section 309, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

"(d) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An 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.).".

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 (whether operated by the Service or by an Indian tribe or tribal organization pursuant to a contract under the Indian Self-Determination Act) 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 facility of the Service (including a hospital, nursing facility, intermediate 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. APPLICATION ASSISTANCE.

Section 404 of the Act (25 U.S.C. 1622) is amended—

(1) by amending subsection (b)(4) 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."; and

(2) by amending subsection (c) to read as follows:

"(c) The Secretary, acting through the Service, may enter into an agreement with an Indian tribe, tribal organization, or urban Indian organization which provides for the receipt and processing of applications for medical assistance under title XIX of the Social Security Act and benefits under title XVIII of the Social Security Act at a Service

facility or a health care facility administered by such tribe or organization pursuant to a contract under the Indian Self-Determination Act.".

SEC. 404. EXTENSION OF DEMONSTRATION PROGRAM.

Section 405 of the Act (42 U.S.C. 1395qq note) is amended—

(1) in subsection (c)(2), by striking "1995" and inserting "1996"; and

(2) in subsection (e), by striking "1995" and inserting "1996".

SEC. 405. AUTHORIZATION FOR EMERGENCY CONTRACT HEALTH SERVICES.

Title IV of the Act is amended by adding at the end the following new section:

"AUTHORIZATION FOR EMERGENCY CONTRACT HEALTH SERVICES

"SEC. 406. With respect to an elderly or disabled Indian receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Title IV of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 407. 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 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.

(7) Section 510(a) of the Act (25 U.S.C. 1660(a)) (as amended by section 902(5)(B) of this Act) is amended by inserting before the period at the end the following: "and for providing central oversight of the programs and services authorized under this title".

SEC. 502. ALCOHOL AND SUBSTANCE ABUSE.

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 or under section 201.

"(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. TREATMENT OF DEMONSTRATION PROJECTS.

Title V of the Act (as amended by section 502 of this Act) is amended by adding at the end the following new section:

"TREATMENT OF CERTAIN DEMONSTRATION PROJECTS

"SEC. 512. (a) Notwithstanding any other provision of law, the Oklahoma City Clinic demonstration project and the Tulsa Clinic demonstration project shall be treated as service units in the allocation of resources and coordination of care and shall not be subject to the provisions of the Indian Self-Determination Act for the term of such projects. The Secretary shall provide assistance to such projects in the development of resources and equipment and facility needs.

"(b) The Secretary shall submit to the President, for inclusion in the report required to be submitted to the Congress under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects specified in subsection (a).".

SEC. 504. URBAN NIAAA TRANSFERRED PROGRAMS.

Title V of the Act (as amended by section 503 of this Act) is amended by adding at the end the following new section:

"URBAN NIAAA TRANSFERRED PROGRAMS

"SEC. 513. (a) The Secretary shall, within the Branch of Urban Health Programs of the Service, make grants or enter into contracts for the administration of urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

"(b) Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

"(c) Urban Indian organizations that operate Indian alcohol programs originally funded under NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

"(d) For the purpose of carrying out this section, the Secretary may combine NIAAA alcohol funds with other substance abuse funds currently administered through the Branch of Urban Health Programs of the Service.

"(e) The Secretary shall evaluate and report to the Congress on the activities of programs funded under this section at least every two years.".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title V of the Act (as amended by section 504 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 514. 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. DIRECTOR OF INDIAN HEALTH SERVICE.

(a) CONFIRMATION BY SENATE.—

(1) IN GENERAL.—Section 601(a) of the Act (25 U.S.C. 1661(a)) is amended in the second sentence by striking "Secretary" and inserting "President, by and with the advice and consent of the Senate".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect January 1, 1993.

(b) INTERIM APPOINTMENT.—The President may appoint an individual to serve as Interim Director of the Service from January 1, 1993, until such time as a Director is appointed and confirmed as provided in section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) (as amended by subsection (a) of this section).

(c) TERM.—Section 601(a) of the Act (25 U.S.C. 1661(a)) is amended by adding at the end the following: "Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 1993, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.".

SEC. 603. 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)).

"(c) GRANTS FOR MODEL PROGRAM.—(1) The Secretary, acting through the Service shall make a grant to the Standing Rock Sioux Tribe to develop a community-based demonstration project to reduce drug and alcohol abuse on the Standing Rock Sioux Reservation and to rehabilitate Indian families afflicted by such abuse.

"(2) Funds shall be used by the Tribe to—

"(A) develop and coordinate community-based alcohol and substance abuse prevention and treatment services for Indian families;

"(B) develop prevention and intervention models for Indian families;

"(C) conduct community education on alcohol and substance abuse; and

"(D) coordinate with existing Federal, State, and tribal services on the reservation to develop a comprehensive alcohol and substance abuse program that assists in the rehabilitation of Indian families that have been or are afflicted by alcoholism.

"(3) The Secretary shall submit to the President for inclusion in the report to be transmitted to the Congress under section 801 for fiscal year 1995 an evaluation of the demonstration project established under paragraph (1).

"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) 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.

"(4)(A) 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—

"(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

"(ii) 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)).

"(B) Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youth residing in such State.

"(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 organizations 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; and

"(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, accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, 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). Such curricula may be provided through satellite campus programs.

"(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 accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, 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 such entities 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 an accredited 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)).

"(4) The term 'tribally controlled postsecondary vocational institution' has the meaning given such term in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)).

"(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.

"GILA RIVER ALCOHOL AND SUBSTANCE ABUSE TREATMENT FACILITY

"SEC. 712. (a) The Secretary, acting through the Service, shall establish a regional youth alcohol and substance abuse prevention and treatment center in Sacaton, Arizona, on the Gila River Indian Reservation. The center shall be established within facilities leased, with the consent of the Gila River Indian Community, by the Service from such Community.

"(b) The center established pursuant to this section shall be known as the 'Regional Youth Alcohol and Substance Abuse Prevention and Treatment Center'.

"(c) The Secretary, acting through the Service, shall establish, as a unit of the regional center, a youth alcohol and substance abuse prevention and treatment facility in Fallon, Nevada.

"ALASKA NATIVE DRUG AND ALCOHOL ABUSE DEMONSTRATION PROJECT

"SEC. 713. (a) The Secretary, acting through the Service, shall make grants to the Alaska Native Health Board for the conduct of a two-part community-based demonstration project to reduce drug and alcohol abuse in Alaska Native villages and to rehabilitate families afflicted by such abuse. Sixty percent of such grant funds shall be used by the Health Board to stimulate coordinated community development programs in villages seeking to organize to combat alcohol and drug use. Forty percent of such grant funds shall be transferred to a qualified nonprofit corporation providing alcohol recovery services in the village of St. Mary's, Alaska, to enlarge and strengthen a family life demonstration program of rehabilitation for families that have been or are afflicted by alcoholism.

"(b) The Secretary shall submit to the President for inclusion in the report required to be submitted to the Congress under section 801 for fiscal year 1995 an evaluation of the demonstration project established under subsection (a).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 714. 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 report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian tribes to address such impact;

"(3) a report on the use of health services by Indians—

"(A) on a national and area or other relevant geographical basis;

"(B) by gender and age;

"(C) by source of payment and type of service; and

"(D) comparing such rates of use with rates of use among comparable non-Indian populations.

"(4) a separate statement which specifies the amount of funds requested to carry out the provisions of section 201;

"(5) 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;

"(6) the reports required by sections 3(d), 108(n), 203(b), 209(j), 301(c), 302(g), 305(a)(3), 403, 708(e), and 817(a), and 822(f);

"(7) for fiscal year 1995, the report required by sections 702(c)(3) and 713(b);

"(8) for fiscal year 1997, the interim report required by section 307(h)(1); and

"(9) for fiscal year 1999, the reports required by sections 307(h)(2), 512(b), 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 TERMINATION DATE OF CERTAIN DEMONSTRATION PROJECTS; JOINT VENTURE PROJECTS.

Section 818 of the Act (25 U.S.C. 1680h) (as redesignated by section 701(b) of this Act) is amended—

(1) in subsection (d)—

(A) 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

(B) in paragraph (2), by striking "1994" and inserting "1996"; and

(2) by amending subsection (e) to read as follows:

"(e)(1) The Secretary, acting through the Service, shall make arrangements with Indian tribes to establish joint venture demonstration projects under which an Indian tribe shall expend tribal, private, or other available nontribal funds, for the acquisition or construction of a health facility for a minimum of 20 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a

health facility. A tribe may utilize tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under this subsection.

"(2) The Secretary shall make such an arrangement with an Indian tribe only if the Secretary first determines that the Indian tribe has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the health facility described in paragraph (1).

"(3) An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this subsection, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the tribe, or paid to a third party on the tribe's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies), and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, or for personnel or staffing, shall be recoverable.".

SEC. 809. HOME AND COMMUNITY BASED 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:

"HOME- AND COMMUNITY-BASED 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. 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 not more than 6 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.".

SEC. 811. RESULTS OF DEMONSTRATION PROJECTS.

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:

"RESULTS OF DEMONSTRATION PROJECTS

"SEC. 823. The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.".

SEC. 812. PRIORITY FOR INDIAN RESERVATIONS.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 811 of this Act) is amended by adding at the end the following new section:

"PRIORITY FOR INDIAN RESERVATIONS

"SEC. 824. (a) Beginning on the date of the enactment of this section, the Bureau of Indian Affairs and the Service shall, in all matters involving the reorganization or development of Service facilities, or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, give priority to locating such facilities and projects on Indian lands if requested by the Indian tribe with jurisdiction over such lands.

"(b) For purposes of this section, the term "Indian lands" means—

"(1) all lands within the limits of any Indian reservation; and

"(2) any lands title which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual Indian subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.".

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 812 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 825. 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.—Section 807 of the Act (25 U.S.C. 1677) (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended by striking out subsection (f).

SEC. 814. 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. Upon completion of an authorized planning activity or a comparable planning activity by a tribe, the Secretary is authorized to negotiate and implement a Compact of Self-Governance and Annual Funding Agreement with such tribe.".

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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2481, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, I am a member of the Committee on Energy and Commerce and the Health and Environment Subcommittee. Our subcommittee had jurisdiction of this matter, as well.

Am I to be afforded any time in the debate of his measure?

The SPEAKER pro tempore. Will the gentleman from Arizona [Mr. RHODES] yield time to the gentleman?

Mr. RHODES. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be yielded to the gentleman from California [Mr. DANNEMEYER] and that he may control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MILLER of California. Mr. Speaker, S. 2481 reauthorizes the programs and services of the Indian Health Service. It represents the agreements of the committees of jurisdiction in the House and Senate. The Interior Committee has held several hearings on similar legislation and has worked very closely with the Energy and Commerce Committee and the Senate Select Committee on Indian Affairs to craft this bill which reflects the agreements of all three committees.

Mr. Speaker, 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 400 percent more likely to die from alcoholism, and Indian people are over 150 percent 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.

Mr. Speaker, 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. We still have a long way to go.

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, tuberculosis, and long-term care for elderly Indian people.

In addition, the bill incorporates 58 specific health objectives development 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.

Mr. Speaker, the House has already considered and overwhelmingly passed

a nearly identical measure H.R. 3724. This bill incorporates several of the Senate provisions and reflects the agreements of the House and Senate committees of jurisdiction. This bill has bipartisan support and I urge my colleagues to continue to support this very important measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of S. 2481, 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.

Unfortunately, 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 the 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 ever risk factor, with the exception of homicide, Native [American] kids are in far worse shape than African-American kids."

Additionally, 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.

With respect to the critical problem of Indian alcoholism—I am also 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.

In closing, it has been brought to my attention that the Indian Health Service refuses to enter into lease arrangements with tribes and tribal organizations when such organizations own their health facilities and also contract to administer the health program under Public Law 93-638. IHS, however, does enter into lease arrangements for these same facilities if the IHS operates the health program directly. Statutory language in the Indian Health Care Improvement Act and the Indian Self-Determination Act require the IHS to fund tribally contracted programs on the same basis as IHS programs.

I am gravely concerned that the discretionary authority to enter into leases with tribes and tribal organizations contained in section 701 of the Indian Health Care Improvement Act is being used by the IHS to circumvent its statutory responsibilities to fund tribal contractors on an equitable basis with IHS programs.

For these reasons, I worked to maintain language inserted by the Senate in the final legislation. Unfortunately, due to OMB opposition and time constraints associated with the close of the 102d Congress, we were unable to include the Senate provision.

However, I will continue to work to insure that IHS revises its leasing priority system to permit leases with tribes and tribal organizations which own facilities and contract to administer the health program under Public Law 93-638. Furthermore, I will be asking the GAO to conduct an investigation of the IHS leasing program and its compliance with existing statute.

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

Mr. RICHARDSON. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, on the gentleman's questions concerning the lease priority system, I will just say to him that I will continue to work to ensure that IHS revises its lease priority system to permit leases with tribes and tribal organizations which own facilities and contract to administer the health program under Public Law 93-638; furthermore, I am asking the GAO to conduct an investigation of the IHS leasing programs in compliance with those existing statutes.

Mr. RICHARDSON. I thank the gentleman. I think that is a very necessary measure.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I think the chairman, the gentleman from California [Mr. MILLER] has very adequately explained the purposes and content of the bill, and that I fully support it. I urge my colleagues to support it.

Mr. Speaker, I rise in full support of S. 2481, the Indian Health Amendments Act of 1992.

While the Government has provided health care services to native Americans since the 19th century as part of its responsibilities to the tribes, disturbingly glaring disparities have existed between the health status of native Americans and other American citizens.

In recognition of these 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 House version of this bill, H.R. 3724, passed by an overwhelming majority on September 15, 1992. The gentleman has already touched on some of the specifics of this legislation, so I will simply note that, while I ardently support most of the bill's provisions, I continue to object strongly to the provision that would exempt tribal self-insured employee health plans from the third-party liability for IHS health services. There is no compelling reason to exempt some employees from the legitimate liability their beneficiaries incur when they use health services provided by IHS. All employers, whether in the public or private sector, should be treated equally.

More importantly, because IHS operates a discretionary program, the exemption from third-party liability contemplated by this bill only serves to discriminate unfairly against poor and unemployed tribal members who have no other means of receiving health care. IHS retains all of its third-party collections; thus, receiving reimbursement enable IHS to provide health care to a greater number of people who could not otherwise afford it. By exempting tribal self-insured employee health plans, the bill unfairly gives free services to those who could otherwise pay for them and consequently keeps IHS from providing services for those least able to afford it.

In closing, Mr. Speaker, despite the inclusion of this one provision, given the real need in Indian country for the services provided by this legislation, I wholeheartedly urge my colleagues to support S. 2481. Passage of this legislation will assure Indian people of continu-

ing 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.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, I rise in opposition to this legislation, and I think that although the title is "Indian Health Amendments of 1992," since one of the primary beneficiaries of a provision of this bill will be the Navajo tribe in, wherever it is, New Mexico, Arizona, we may call this legislation the Navajo Relief Act of 1992.

I have been advised that the Navajo Tribe is self-insured for medical purposes.

There are about 4,000 people who work for that tribe who are self-insured for medical purposes, and I want to share with my colleagues how this bill, if it is adopted, will impact on the Navajo Nation and the ability to get reimbursement for medical services rendered to members of the Navajo tribe at facilities of the Indian Health Services.

□ 2210

Just imagine in your mind that there is in New Mexico, in Mr. RICHARDSON's district, I assume, a facility at the Indian Health Service. Next door there is another private clinic. If a member of the Navajo Nation would go to the private clinic for medical service, that private clinic could get reimbursement from the Navajo Nation for the medical service; but let us just assume that that member of the Navajo Nation went to the Indian Health Service next door, and if this bill becomes law, that Indian Health Service would not be able to get reimbursement from the Indian tribe.

Now, what kind of an arrangement is that, that Federal tax dollars going to build and supply and support this Indian Health Service, when they are given in the form of services to members of the Navajo Nation, that they cannot get reimbursement for that from the tribe's insurance. They are self-insured. That is the reason that the administration is opposed to this bill, because it would preclude this right of reimbursement. That is not good public policy.

There is another provision in this law as it has gone through the process, as is oftentimes the case around here, that whenever there is a train going through the station an effort is made by people along the way to attach different cars, and that certainly is true in this case. Different cars have been loaded on this train, and they place additional duties on the Indian Health Service, and they are having difficulty, candidly, performing the duties that have been assigned to them today.

When you deny the right of reimbursement on the part of the Indian Health Service over against the provider, or the Navajo Tribe, self-insured for medical purposes, what that means is that there is just that much less resource available to take care of those people who come in for medical service to the Indian Health Service. And it is another illustration, I guess, of them that has want to keep, and they do not want anybody else to get what they have.

That is an understandable human emotion, but I do not think we should honor that in this legislation.

And it is for these reasons that I believe that this bill should be opposed, and I ask for a "no" vote.

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

Mr. Speaker, I rise quickly to say that we fully debated this when this bill was before the House before. The bill passed 330 to 36. The fact is, again, that the insurance is not a question of overlap or reimbursement, this is if the elderly went out and bought MediGap insurance for uncovered services. These services are not provided. I would hope that my colleagues would support this legislation as they did previously.

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

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume to say at this time that I have in the past shared with my colleague from California, Mr. DANNEMEYER, his concern about the third-party reimbursement provisions in this bill. I think they are very valid concerns, but I think the valid concerns in this bill that deal with underservice or lack of service to the native American population in this country for medical care far override those concerns. I do not believe that there is anybody in this body or anybody in this country who can argue that the facts and figures and statistics as to the health status of native Americans relative to the health status of the rest of the citizens of this country cry out for specialized, directed, focused medical care for native Americans. There are very few who could argue that point, and that is what this bill is about.

Mr. Speaker, I agree with the gentleman from California [Mr. DANNEMEYER] that there is a defect in this bill as it relates to the third-party paying provisions. But I believe that the purposes, the overall purposes of the bill, and the overall needs it intends to serve and will serve, and the overall harm that has been done by lack of medical service far overrides those concerns and calls out to all of our Members to support this bill and to vote for its passage.

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

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume. I have one additional comment to share with my colleagues. This Member from California, on the point of third-party reimbursement, offered an amendment when the bill was before the House several weeks ago, as I recall. There were about 160 votes for that amendment. That is a pretty good showing to delete this provision that the administration says causes it to say they are opposed to this bill. I think that needs to be taken into consideration.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, let me thank the chairman for yielding time to me.

Mr. Speaker, the self-insurance provision Mr. DANNEMEYER is referencing 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.

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.

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.

The self-insurance 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 self-insurance 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.

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 insurance 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 failed 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.

Finally, and most importantly, the self-insurance provision protects the trust responsibility of the U.S. Government to our Nation's Indians to provide medical services and care to native Americans. IHS's attempt to collect from tribal insurance policies was a blatant violation of this trust responsibility as established by the Treaty agreements of 1850 and 1868.

The fact is, native Americans are entitled to use IHS facilities and services without being charged for them.

IHS's billing practices also violated 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.

I might also add that the administration is supporting this legislation and that the House has already addressed this issue once, voting down the Dannemeyer amendment.

In closing, I want to point out to my colleagues that Mr. DANNEMEYER already attempted to strip out this provision unsuccessfully on the floor. His amendment failed. Additionally, this same provision was included in the Senate bill and has the strong support of the Senate Republicans. I urge my colleagues to support passage of the Indian Health Care Amendments.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume. I would just like to share with my colleagues where we are procedurally. As you may recall, the House passed its version of this bill, the Senate passed the bill, and no conferees were appointed. The existence of conferees was circumvented.

Now, the process has presented us this evening with the reality of the Senate bill on the floor that is substantially different from the House bill, which the House voted on. I want to add to my colleagues the things that were added, that are in the Senate bill that were never in the House bill. These are the additions to this legislation that the House never voted on yet: Nursing school clinics, establishes a program of grants for schools of nursing to establish health care clinics, authorizes $5 million for fiscal 1993 through the year 2000.

□ 2220

Loan repayments. Sets aside 25 percent of funds for nurses and 10 percent for mental health professionals.

Matching grants to tribes. Grants to tribes for health professional scholarships, requires an 80-percent nonfederal match of funds.

University of South Dakota, demonstrations to be conducted by the University of South Dakota regarding retention of health professionals and Indian facilities.

Epidemiology, a program of grants to tribes to the purpose of collecting epidemiology data, authorized at $12 million for fiscal year 1992 and such sums for fiscal year 1994 by the year 2,000.

American Indians into psychology, a program of grants to at least three universities to develop career recruitment programs as means of encouraging Indians to enter mental health fields.

Prevention, control and elimination of tuberculosis, a program of grants to tribes for the prevention, control and elimination of tuberculosis.

Demonstration of electronic data submission, authorizes the Secretary to develop two demonstration projects regarding how to develop communications and computer technology can be used to improve the efficiency of information exchanged on billing and utilization of data.

And finally, the Office of Indian Women's Health Care establishes an Office of Indian Women's Health Care in the Indian Health Service.

Mr. Speaker, I think it is obvious to all of us that some of these additions are meritorious in advancing the health of Indians. Some of them I think can properly be classified as pork, plain and simple, adding to the bureaucracy of some of these universities around the country.

I do not know whether there are any Navajo Indians in the University of South Dakota on the faculty. If there are not, there ought to be, I suppose.

I think what we are witnessing here is at the last minute to have a bill adopted that is going to add some pork in an extensive way.

For these additional reasons, I think this measure should be rejected.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

I do not denigrate the motivations of my friend, the gentleman from California [Mr. DANNEMEYER]. The gentleman from California [Mr. DANNEMEYER] is a dogged defender of the Federal budget and a dogged defender of the rights of all Americans. I know that my friend recognizes the health needs that we are trying to deal with.

I think our difference of opinion here basically lies not so much in whether or not we need to deal with these needs, but in how we do so.

While I do not support the position that the gentleman from California [Mr. DANNEMEYER] is putting forth here tonight, I respect him for doing so.

I do not wish anybody to conclude from the remarks of the gentleman from California [Mr. DANNEMEYER] that he has any less concern for the health needs of Native Americans than any of the rest of us.

It would be remiss of me not to recognize the efforts of Chairman MILLER and the gentleman from New Mexico [Mr. RICHARDSON] in this regard as well.

We are of a mind, all of a single mind. We know full well that while the land of the Dinee, the Navajo, may to some of our eastern brethren look arid and barren, it is some of the most achingly beautiful country in the world, and yet is is hard, worse than hard to make a living off that land.

We know full well that while the Dinee, the Navajo, are the most populus and therefore maybe get the most attention in comparision to some other Indian communities around the country, the Rosebud Reservation in the Dakotas and elsewhere, they may even be well off.

We need this legislation. They need this legislation. This is not just important. This is literally life and death.

While there can be some flaws in here, and I agree with the gentleman from California [Mr. DANNEMEYER] on some of those flaws that he points out, the flaws do not outweigh the things that we need to do, the things that are required and that are answered in large measure and not in full measure by this bill.

Mr. Speaker, I urge its adoption.

The SPEAKER pro tempore. [Mr. KOLTER]. Without objection, the gentleman from New Mexico [Mr. RICHARDSON] will claim the time of the gentleman from California [Mr. MILLER].

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of S. 2481, the Indian Health Care Improvement Act of 1992. This bill is the result of the hard work of the House Interior and Insular Affairs Committee, the Energy and Commerce Committee, and the Senate Select Committee on Indian Affairs. This bill 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.

This bill mandates an annual budget of $1.4 billion beginning in 1994 to be distributed between Alaska Natives and lower 48 tribes. Alaska natives will receive a portion of the $1.4 billion each year based on a formula developed by IHS and BIA to allocate funds between Alaska Natives and the lower 48 Indian tribes.

Title I of the act is designed to accomplish two goals: First, to increase the number of Indians trained in the health care professions; and second, to provide a larger pool of health professionals to serve Indian people. IHS will establish a variety of programs such as: First, recruitment and scholarship programs; and second, a retention bonus program to keep key medical personnel in the more rural areas.

This title also includes language for the upgrading of the Community Health Aide Program in Alaska. This program provides a vital link between the remote villages and the regional health facilities in Alaska.

Title II of the act mandates that several programs be implemented to elevate the health status of Alaska Natives and Indian tribes to the rest of the Nation. Under this title, the Indian health care improvement fund would be established to implement these programs 3 years after the President signs this bill. Programs which would benefit Alaska Natives include:

Patient travel cost, Indian youth grant program, health promotion and disease prevention, mental health prevention and treatment services, comprehensive School Health Education programs, diabetes prevention, treatment and control, mental health prevention and treatment services, new studies and demonstration programs, that is, Hospice care feasibility study, coverage of screening mammography, third party reimbursement, epidemiology centers, comprehensive school health education programs, and Indian youth grant program.

Title III of the act pertains to the construction of health facilities such as hospitals, clinics, and staff quarters. Alaska Native organizations may apply for grants to upgrade existing facilities or construct new facilities. Title III also addresses the problem of safe water and sanitary waste disposal facilities in Alaska Native and Indian country. This provision is extremely important to my Alaska Native constituents. Recently, the Anchorage Daily News ran a week long series of the problem of sewage disposal in rural villages in Alaska. In 1990, 60 percent of the residents in the small village of Kotlik had to be medivaced to the Bethel hospital for emergency treatment of viral meningitis. It is inexcusable that in this day and age that residents of a small rural community such as Kotlik do not have the basic water and sewer facilities that the rest of this Nation enjoys. I am extremely pleased that we are finally addressing the problem of safe water and sewage facilities in Alaska Native and Indian country. I want to thank members of the committees on aggressively addressing this problem. It is long overdue. Grants would be awarded on a priority basis nationwide and I urge my Alaska Native villages to apply for these grants.

Title IV of the act establishes a program of grants and contracts with tribal organizations to assist eligible Alaska Natives in obtaining Medicare/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 Alaska Natives and Indian tribes. Grants will be made available to Alaska Native organizations for problems such as fetal alcohol syndrome. Three programs are scheduled for Alaska. First, Tanana Chiefs Conference, Inc. to operate a youth treatment facility in Fairbanks, AK, second, the Southeast Alaska Regional Health Corp. to staff and operate a residential youth facility and third, the Alaska Native drug and alcohol abuse demonstration project which authorizes 60 percent of the grant funds to be used by the Alaska Native Health Board to stimulate coordinated community development programs to villages seeking to combat alcohol and drug abuse. The remaining 40 percent of this grant would be to provide alcohol recovery services in the village of St. Mary's, AK.

Title VIII directs the President to include reports with the submission of his annual budget showing that the objectives of this act are being met. The title authorizations appropriations of Indian health care programs through fiscal year 2000.

I believe S. 2481 is a good bill and urge my colleagues to pass this bill. Thank you.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference report on 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.

There are several sections of the legislation that this Member would like to highlight today. Important new guidelines are given regarding the closure of IHS hospitals that would take into consideration the distance between the facility to be closed and the nearest IHS facility. These changes are critically important as IHS continues to consider hospital closures.

Several amendments added to the bill on the House Floor last month remain in the conference report. The gentleman from North Dakota [Mr. DORGAN] offered language to establish a demonstration project for adult substance abuse treatment. This Member was pleased to see the inclusion of adult substance abuse treatment in the bill as the success of the drug dependency unit at the Winnebago Indian Health Service Hospital in the First Congressional District of Nebraska which provides alcohol and substance abuse treatment for adults by native Americans in a hospital setting is well-documented.

In addition, the gentleman from Montana [Mr. WILLIAMS] offered an amendment regarding nursing home care which is included in the conference report. This language would allow Indian Health Service and tribal organizations to share the costs of certain services such as building maintenance, housekeeping, dietary activities, and administrative support.

This Member understandably has had a long standing interest, concern, and history of action in the area of alcohol and drug abuse among Indian people. Four tribes, the Santee Sioux, Omaha, Winnebago, and the newly restored Northern Ponca, reside in the First Congressional District of Nebraska and a small part of the Iowa-Sac reservation is also in my district.

Mr. Speaker, there are several provisions in the bill that deal with substance abuse. This bill reauthorizes the establishment of adolescent treatment centers originally authorized by legislation introduced by the distinguished former Member of the House from South Dakota, Mr. DASCHLE, who is now a Member of the other body, and this Member. While adolescents in each service area are currently receiving treatment, only about half of the services areas have established treatment centers. The bill rightly encourages IHS and the areas providing contract care to establish their own regional centers.

In addition the bill includes 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 fetal alcohol syndrome and fetal alcohol effect. This Member strongly and enthusiastically supports these provisions.

Mr. Speaker, 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.

Mr. Speaker, this Member strongly encourages his colleagues to support this legislation.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr.

MILLER] that the House suspend the rules and pass the bill, H.R. 2481, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AIRPORT AND AIRWAY SAFETY, CAPACITY, NOISE IMPROVEMENT, AND INTERMODAL TRANSPORTATION ACT OF 1992

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 6093) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, and 1995, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6093

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 "Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

Sec. 101. Declaration of policy.
Sec. 102. Airport improvement program.
Sec. 103. Airway improvement program.
Sec. 104. FAA operations.
Sec. 105. Linkage with passenger facility charges program.
Sec. 106. Apportionments.
Sec. 107. Military airports.
Sec. 108. Airport noise compatibility program.
Sec. 109. Maximum obligation of the United States.
Sec. 110. Terminal development.
Sec. 111. Letters of intent.
Sec. 112. Airport development defined.
Sec. 113. Public access and participation with respect to airports.
Sec. 114. National airway system.
Sec. 115. Definition of passengers enplaned.
Sec. 116. Extension of State block grant pilot program.
Sec. 117. Disadvantaged business enterprise.
Sec. 118. Extension of certain restrictions on contract and grant awards.
Sec. 119. Acquisition or construction of facilities for advanced training of maintenance technicians for air carrier aircraft.
Sec. 120. Air traffic controller staffing.
Sec. 121. Minimum number of air traffic controllers.
Sec. 122. Limitation on privatization of operation of certain airport control towers.
Sec. 123. Effects of airport noise.
Sec. 124. Aviation safety inspectors.
Sec. 125. Aircraft operations in winter conditions.
Sec. 126. Visual flight rule routes for complex terminal airspace areas.
Sec. 127. Study on reflectorization of taxiway and runway markings.
Sec. 128. Landbanking and options to purchase land.
Sec. 129. Lighting systems for aircraft obstructions and airport runways.
Sec. 130. Economic benefits of airport development projects.
Sec. 131. Soundproofing of certain residential buildings in areas surrounding airports.
Sec. 132. Laredo International Airport, Laredo, Texas.
Sec. 133. Study of small airport runway maintenance.
Sec. 134. Tucson study.
Sec. 135. Air traffic over Grand Canyon.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

Sec. 201. Procurement reform.
Sec. 202. Aviation security training.
Sec. 203. Hazards to safe and efficient air commerce.
Sec. 204. National commission to promote a strong and competitive airline industry.

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 301. Short title.
Sec. 302. Aviation research authorization of appropriations.
Sec. 303. Deicing study.
Sec. 304. Aircraft noise research program.
Sec. 305. Use of domestic products.

TITLE IV—AVIATION INSURANCE

Sec. 401. Insurance for departments and agencies of the United States.
Sec. 402. Extension of program.
Sec. 403. Administration of aviation insurance program.
Sec. 404. Continuation of aviation insurance laws.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND

Sec. 501. Extension of Airport and Airway Trust Fund.
Sec. 502. Clarification of trust fund revenues.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation's aviation system must be part of an intermodal transportation system consisting of hubs and interconnections with other forms of transportation that will move people and goods in the fastest, most efficient manner;

(2) our Nation's airports are our interconnections with the global economy; expanded flight capacity and greatly improved ground access for passengers and cargo are essential to our Nation's ability to compete in the international marketplace;

(3) without significant additional financial resources, the Nation's airports will be unable to accommodate fully the growing aviation and ground traffic demands of the 1990's;

(4) 27 of the Nation's top 100 airports are now unacceptably congested and the resulting delays in flights are costing our economy billions of dollars a year in lost productivity and undermining the Nation's ability to compete in the global economy;

(5) unless the capacity of our airports is increased substantially, the problem of flight delays will escalate dramatically and, by the year 2000, 40 major airports will be congested and incurring more than 20,000 hours of flight delay a year;

(6) the Nation must undertake an airport improvement and development program costing at least $7,000,000,000 a year over the next decade just to prevent the problem of airport delay from growing worse in the 21st century;

(7) neither State, local, nor Federal Government can independently finance the needed airport and intermodal development and there must be a combined effort relying on all levels of government;

(8) both the Federal airport improvement program and local passenger facility charge programs are essential to funding the development, as part of an intermodal transportation system, of airports (including necessary ground access eligible for funding under such programs) which meet our Nation's needs;

(9) the Nation's air traffic control system must be modernized with the highest advanced technology to enable it to continue to move traffic safely and efficiently and the necessary development and procurement of capital equipment will cost at least $18,000,000,000 over the next decade;

(10) the modernization of the air traffic control system will result in productivity and safety benefits of $257,000,000,000 over the life of the equipment purchased; these benefits include the value of time saved by airline passengers, reductions in airline operating costs, and reduced government expenditures and benefits from increased safety;

(11) there will need to be a continuing increase in staffing for the air traffic control system to enable controllers to handle, safely and efficiently, the increased workload which will arise as air transportation grows over the next decade;

(12) the Federal Government must play a major role in developing our aviation system; full use must be made of the more than $5,000,000,000 which aviation users contribute to the Airport and Airway Trust Fund each year and the $7,400,000,000 surplus which has accumulated in the Trust Fund;

(13) although survival of a strong and competitive airline industry is essential to our Nation's economic future—the Nation's airlines are in a financial and competitive crisis which threatens our entire aviation system and our Nation's ability to move people; major airlines have lost more than $6,000,000,000 over the past 2 years; many airlines have merged or discontinued operations; and new entry into the industry has ceased;

(14) the opportunities for new entrants and financially weak airlines to compete successfully can be maximized by the development of new airport capacity, particularly terminal facilities and gates, which will facilitate the ability of new airlines to compete against the airlines which now dominate the facilities at major hub airports;

(15) investment in the aviation transportation infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(16) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(17) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(18) failure to invest in the transportation infrastructure, including aviation, has placed the United States in danger of becoming a service-oriented economy, rather than having a strong and independent manufacturing-based economy;

(19) the creation of a national intermodal transportation system is central to the transportation issues of the coming decades

and will create the new wealth of the Nation to provide the funds for the Nation to meet the challenges of the 21st century;

(20) our Nation should devote greater efforts to integrating the aviation system with highway and mass transit facilities providing access to airports;

(21) transportation planning, taking account of commerce and land-use patterns, must be improved at all levels and local officials must have a significant role in transportation decisions affecting their areas;

(22) failure to develop an improved intermodal transportation system for the 1990's and the 21st century will result in continuing the two decade trend of decline in United States competitiveness in the global economy and the accompanying decline in the Nation's standard of living;

(23) the safety of the traveling public is of paramount national importance;

(24) aircraft deicing is an important element of aviation safety and past aircraft incidents suggest that both the Federal Government and private industries should focus on methods to improve aircraft deicing procedures and facilities;

(25) noise associated with the use of our Nation's airports must be reduced and efforts to mitigate noise must be continued;

(26) airports must use the airport noise planning program to ensure that capacity expansion minimizes noise to the surrounding community;

(27) the Nation's air traffic control system must be modernized with the most advanced technology, and the necessary capital equipment must be developed and procured, in order to continue the safe and efficient operation of the national airspace system;

(28) there will need to be a continuing increase in the number of aviation safety inspectors to handle the current and future workload of the air carrier and commuter industry; and

(29) the United States airline industry lost more than $6 billion in 1990 and 1991, the number of air carriers serving the public has declined substantially as a result of the industry's financial distress and the absence of governmental policies to promote competition, and continued financial losses could result in the further loss of air carrier competition and service to the traveling public.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. DECLARATION OF POLICY.

(a) NATIONAL TRANSPORTATION POLICY.—Section 502 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201) is amended by adding at the end the following:

"(c) NATIONAL TRANSPORTATION POLICY.—

"(1) It is a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner. The Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's infrastructure.

"(2) United States leadership in the world economy, the expanding wealth of the Nation, the competitiveness of the Nation's industry, the standard of living, and the quality of life are at stake.

"(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance United States industry's ability to compete in the global marketplace.

"(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

"(5) An intermodal transportation system consists of transportation hubs which connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the Nation's vast rural areas, as well as providing links to other forms of transportation and to intercity connections.

"(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

"(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the Nation to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The Nation's future economic prosperity depends on its ability to compete in an international marketplace that is teeming with competitors but where a full one-quarter of the Nation's economic activity takes place.

"(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will move people and goods faster in an efficient manner.".

(b) CAPACITY EXPANSION AND NOISE ABATEMENT.—Such section is further amended by adding at the end the following new subsection:

"(d) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.".

SEC. 102. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1991,"; and

(2) by inserting before the period at the end of the second sentence the following: ", $15,966,700,000 for fiscal years ending before October 1, 1993, $18,116,700,000 for fiscal years ending before October 1, 1994, and $20,366,700,000 for fiscal years ending before October 1, 1995".

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act is amended by striking "1992" and inserting "1995".

SEC. 103. AIRWAY IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)(1)) is amended—

(1) by striking "and" following "1991" and inserting a comma; and

(2) by inserting before the period at the end of the first sentence the following: ", $8,200,000,000 for fiscal years ending before October 1, 1993, $11,100,000,000 for fiscal years ending before October 1, 1994, and $14,000,000,000 for fiscal years ending before October 1, 1995".

(b) CAPITAL INVESTMENT PLAN AUGMENTATION.—Section 506(a)(2) of such Act is amended to read as follows:

"(2) CAPITAL INVESTMENT PLAN AUGMENTATION.—If the Secretary determines that it is necessary to augment or substantially modify elements of the Airway Capital Investment Plan submitted to Congress under section 504 of this title (including a determination that it is necessary to establish more than 23 area control facilities), there is authorized to be appropriated from the Trust Fund for fiscal year 1994 to carry out such augmentation or modification $100,000,000. Amounts appropriated under this paragraph shall remain available until expended.".

(c) OTHER EXPENSES.—

(1) EXTENSION.—Section 506(c)(4) of such Act is amended—

(A) in the paragraph heading by striking "–1992" and inserting "–1995"; and

(B) by striking "and 1992" and inserting ", 1992, 1993, 1994, and 1995".

(2) CONFORMING AMENDMENT.—Section 506(e)(5) of such Act is amended by striking "1992" and inserting "1995".

(d) WEATHER SERVICES.—Section 506(d) of such Act is amended by striking the second sentence and inserting the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to $35,596,000 for fiscal year 1993, $37,800,000 for fiscal year 1994, and $39,000,000 for fiscal year 1995.".

SEC. 104. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting before the period at the end the following: ", $4,716,500,000 for fiscal year 1993, $5,100,000,000 for fiscal year 1994, and $5,520,000,000 for fiscal year 1995".

SEC. 105. LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM.

Paragraph (4) of section 1113(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(4)) is amended by striking "under this subsection on or before" and all that follows through the period at the end of such paragraph and inserting the following:

"under this subsection—

"(A) on or before September 30, 1993, if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than $38,600,000;

"(B) on or before September 30, 1994, if, during fiscal year 1994, the amount available for obligation under section 419 of this Act is less than $38,600,000; or

"(C) on or before September 30, 1995, if, during fiscal year 1995, the amount available for obligation under section 419 of this Act is less than $38,600,000.

This limitation on the authority to impose a fee shall not apply if the amount available in fiscal years for obligation as described in subparagraph (A), (B), or (C), is less than $38,600,000 as a result of sequestration or other general appropriations reductions applied proportionately to appropriations accounts throughout an appropriations Act. The provisions of this paragraph shall not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues derived from a fee imposed pursuant to an approval made under this subsection by a public agency which has received an approval to impose a fee under this subsection prior to September 30, 1993, in the

case of subparagraph (A), prior to September 30, 1994, in the case of subparagraph (B), and prior to September 30, 1995, in the case of subparagraph (C), regardless of whether such fee is being imposed on the date set forth in such subparagraph.".

SEC. 106. APPORTIONMENTS.

(a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting "4 percent"; and

(2) by striking "(but not to exceed $50,000,000)".

(b) LIMITS.—Section 507(b)(1) of such Act is amended by striking "$300,000 nor more than $16,000,000" and inserting "$400,000 nor more than $22,000,000".

(c) PRIMARY AND CARGO SERVICE AIRPORTS.—Section 507(b)(3) of such Act is amended by striking "49.5 percent" each place it appears and inserting "44 percent".

(d) RULES REGARDING CERTAIN ALASKA AIRPORTS.—Section 507(b)(5) of such Act is amended by adding at the end the following new subparagraph:

"(F) INCLUDED AIRPORTS.—For purposes of this paragraph, the airports referred to in subparagraph (A) include those public airports that received scheduled service as of September 3, 1982, but were not apportioned funds in fiscal year 1980 under section 15(a) of the Airport and Airway Development Act of 1970 because the airports were not under the control of State or local public agencies.".

SEC. 107. MILITARY AIRPORTS.

(a) SET-ASIDE.—Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(5)) is amended by inserting after "1992" the following: ", not less than 2.25 percent of the funds made available under section 505 in fiscal year 1993, and not less than 2.5 percent of the funds made available under section 505 in each of fiscal years 1994 and 1995".

(b) DESIGNATION.—Section 508(f)(1) of such Act is amended—

(1) by striking "not more than 8"; and

(2) by striking the second sentence.

(c) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—

(1) FUNDING.—Section 508(f) of such Act is amended by adding at the end the following new paragraph:

"(6) FUNDING FOR CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Not to exceed $4,000,000 per airport of the sums to be distributed at the discretion of the Secretary under section 507(c) for fiscal years 1993, 1994, and 1995 may be used in the aggregate by the sponsor of a current or former military airport designated by the Secretary under this subsection for construction, improvement, or repair of airport surface parking lots, fuel farms, and utilities.".

(2) CONFORMING AMENDMENT.—Section 513(c) of such Act is amended by inserting after "this section" the following: "and section 508(f)(6) of this title".

SEC. 108. AIRPORT NOISE COMPATIBILITY PROGRAM.

Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(2)) is amended—

(1) by striking "10 percent" and inserting "15 percent"; and

(2) by adding at the end the following new sentence: "The 15 percent referred to in the preceding sentence shall be 12.5 percent—

"(A) in the case of fiscal year 1994 if the amount of funds made available under section 505 for fiscal year 1994 is less than $1,935,000,000; and

"(B) in the case of fiscal year 1995 if the amount of funds made available under section 505 for fiscal year 1995 is less than $2,025,000,000.".

SEC. 109. MAXIMUM OBLIGATION OF THE UNITED STATES.

Section 512(b)(3) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211(b)(3)) is amended by striking the period at the end and inserting the following: "; except that, for fiscal year 1993 and thereafter, for grants for the acquisition of land or interests in land, the maximum obligation of the United States may be increased for an airport (other than a primary airport) either by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.".

SEC. 110. TERMINAL DEVELOPMENT.

(a) ALLOWABLE PROJECT COSTS.—Section 513(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(b)(1)) is amended by adding at the end the following new sentence: "In the case of a commercial service airport which annually has .05 percent or less of the total enplanements in the United States, the Secretary may approve, under the preceding sentence as allowable project costs of a project for airport development at such airport, terminal development in revenue-producing areas and construction, reconstruction, repair, and improvement of nonrevenue-producing parking lots if the sponsor certifies that no project for needed airport development affecting safety, security, or capacity will be deferred by such approval.".

(b) FEDERAL SHARE.—Section 513(b)(5) of such Act is amended by inserting before the period at the end the following: "; except that the United States share of project costs allowable for any project under such paragraph at a commercial service airport which annually has .05 percent or less of the total enplanements in the United States shall be 85 percent".

(c) RETROACTIVE APPLICABILITY.—The amendment made by subsection (a) may be applied to any terminal development which is underway in calendar year 1992 or later.

SEC. 111. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(G) OTHER CONSIDERATIONS.—A letter of intent issued under this paragraph shall not condition the obligation of any funds on the imposition of a passenger facility charge.".

SEC. 112. AIRPORT DEVELOPMENT DEFINED.

(a) AIRCRAFT DEICING EQUIPMENT.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)) is amended—

(1) by striking "or" at the end of clause (v);

(2) by inserting "or" after the semicolon at the end of clause (vi); and

(3) by inserting after clause (vi) the following:

"(vii) aircraft deicing equipment and structures (other than aircraft deicing fluids and storage facilities for such equipment and fluids);".

(b) CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MANDATES OF CERTAIN FEDERAL LAWS; AIRCRAFT DEICING FACILITIES.—Section 503(a)(2) of such Act is further amended—

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

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

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

"(E) the relocation, after December 31, 1991, of an air traffic control tower and any navigational aid (including radar) if such relocation is necessary to carry out a project approved by the Secretary under this title;

"(F) any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport) which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business; and

"(G) any acquisition of land for, or work necessary to construct, a pad suitable for deicing aircraft prior to takeoff at a commercial service airport, including construction or reconstruction of paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, and paved access for deicing vehicles and aircraft, but excluding acquisition of aircraft deicing fluids and construction and reconstruction of storage facilities for aircraft deicing equipment and fluids.".

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the cost and the feasibility of maintaining and operating navigational aids (including radar) for a transition period of up to 2 years at airports converting in whole or in part from military airports to civilian commercial or reliever airports.

SEC. 113. PUBLIC ACCESS AND PARTICIPATION WITH RESPECT TO AIRPORTS.

(a) PUBLIC ACCESS TO AIRPORT BUDGET.—Section 511(a)(11) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(11)) is amended by inserting "and a report of the airport budget will be available to the public at reasonable times and places" before the semicolon at the end.

(b) PUBLIC PARTICIPATION WITH RESPECT TO AIRPORT PROJECTS.—Section 509(b)(6)(A) of such Act (49 U.S.C. App. 2208(b)(6)(A)) is amended by inserting "(i)" after "unless" and by striking the period at the end and inserting the following: ", and (ii) the sponsor of the project certifies to the Secretary that the airport management board either has voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.".

SEC. 114. NATIONAL AIRWAY SYSTEM.

(a) ELIMINATION OF REPORTING REQUIREMENT.—Section 504(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2203(b)) is amended by striking paragraph (2).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking "(1)";

(2) by striking "(A)", "(B)", and "(C)" and inserting "(1)", "(2)", and "(3)", respectively; and

(3) by striking "(i)", "(ii)", and "(iii)" and inserting "(A)", "(B)", and "(C)", respectively.

SEC. 115. DEFINITION OF PASSENGERS ENPLANED.

Section 503(a)(10) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(10)) is amended by inserting "or Alaska or Hawaii" after "contiguous States".

SEC. 116. EXTENSION OF STATE BLOCK GRANT PILOT PROGRAM.

(a) EXTENSION.—Section 534(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2227(a)) is amended by striking "1992" and inserting "1996".

(b) PARTICIPATING STATES.—Section 534(b) of such Act is amended—

(1) by striking "3" and inserting "7"; and

(2) by adding at the end the following new sentence: "The 7 States to be selected for participation in the program in fiscal years 1993, 1994, 1995, and 1996 shall include the 3 States selected for the participation in the program in fiscal year 1992 (Illinois, Missouri, and North Carolina).".

SEC. 117. DISADVANTAGED BUSINESS ENTERPRISE.

(a) ASSURANCE.—Section 511(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(17)) is amended by inserting "or which provide ground transportation, baggage carts, automobile rentals, or other consumer services" after "or other consumer products".

(b) ADMINISTRATION OF DBE ASSURANCE.—Section 511 of such Act is further amended by adding at the end the following new subsection:

"(h) ADMINISTRATION OF DBE ASSURANCE.—

"(1) MANAGEMENT CONTRACTS.—In administering subsection (a)(17) of this section, an airport owner or operator is authorized to meet the overall percentage goal established under such subsection by including businesses operated through management contracts and subcontracts. The dollar amount of a management contract and subcontract with a DBE firm shall be added to the total of DBE participation in airport concessions and to the base from which the airport's overall percentage goal is calculated. The dollar amount of management contracts and subcontracts with non-DBE firms and the gross revenues of business activities to which management contracts and subcontracts pertain shall not be added to this base.

"(2) PURCHASE OF GOODS AND SERVICES.—Except as provided in subsection (h)(3), an airport owner or operator may meet the overall percentage goal established under subsection (a)(17) of this section by including the purchase from DBEs of goods or services used in businesses conducted on the airport, provided that good faith efforts shall be made by the airport owner or operator and the businesses conducted on the airport to explore all available options to achieve, to the maximum extent practical, compliance with such goal through direct ownership arrangements, including, but not limited to, joint ventures and franchises.

"(3) PROVISION FOR CAR RENTAL FIRMS.—

"(A) In complying with subsection (a)(17) of this section, an airport owner or operator shall include the revenues of car rental firms on the airport in the base from which the overall percentage goal set forth in such subsection is calculated.

"(B) An airport owner or operator may require a car rental firm to meet any requirement imposed under subsection (a)(17) of this section through the purchase or lease of goods or services from DBE's. In the event an airport owner or operator requires the purchase or lease of goods or services from DBE's, a car rental firm shall be permitted to meet such requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern (as defined by the Secretary by regulation) owned and controlled by socially and economically disadvantaged individuals (as defined under section 505(d)(2)(B)).

"(C) Nothing in this subsection or subsection (a)(17) of this section shall require a car rental firm to change its corporate structure to provide for direct ownership arrangements in order to meet the requirements of such subsection or subsection (a)(17).

"(4) GENERAL PROVISIONS.—

"(A) Nothing in this subsection or subsection (a)(17) shall preempt any State or local law, regulation, or policy enacted by the governing body of an airport owner or operator, or the authority of any State or local government or airport owner or operator to adopt or enforce any law, regulation, or policy relating to DBE's.

"(B) An airport owner or operator shall be permitted to afford opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate through direct contractual agreement with such concerns.

"(5) EXCLUSION OF AIR CARRIER SERVICES.—Air carriers in providing passenger or freight-carrying services and other businesses that conduct aeronautical activities at an airport shall not be included in the overall percentage goal set forth in subsection (a)(17) of this section for participation of small business concerns at the airport.".

(c) BASIC PROGRAM.—Section 505(d)(2)(A) of such Act (49 U.S.C. App. 2204(d)(2)(A)) is amended by striking "$14,000,000" and inserting "$16,015,000".

(d) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act of 1982, as amended by subsections (a) and (b) of this section, relating to the disadvantaged business enterprise assurance.

SEC. 118. EXTENSION OF CERTAIN RESTRICTIONS ON CONTRACT AND GRANT AWARDS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—Section 9130 of the Aviation Safety and Capacity Expansion Act of 1990 (49 U.S.C. App. 2226b) is amended by inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

(b) FOREIGN GOVERNMENTS DISCRIMINATING AGAINST U.S. PRODUCTS.—Section 9131 of such Act (49 U.S.C. App. 2226c) is amended by inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

SEC. 119. ACQUISITION OR CONSTRUCTION OF FACILITIES FOR ADVANCED TRAINING OF MAINTENANCE TECHNICIANS FOR AIR CARRIER AIRCRAFT.

(a) GRANTS.—The Administrator of the Federal Aviation Administration may make grants to not to exceed 4 vocational technical institutions for the purpose of acquiring or constructing facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY CRITERIA.—The Administrator may only make a grant under this section to a vocational technical educational institution if such institution has a training curriculum which prepares aircraft maintenance technicians who hold an airframe and power plant certificate issued under subpart D of part 65 of title 14 of the Code of Federal Regulations to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION ON AMOUNTS OF GRANTS.—The maximum amount of Federal funds which a vocational technical educational institution may receive, in the aggregate, through grants made under this section shall be $5,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Airport and Airway Trust Fund, such sums as may be necessary for carrying out this section for fiscal years 1993, 1994, and 1995. Such sums shall remain available until expended.

SEC. 120. AIR TRAFFIC CONTROLLER STAFFING.

The Administrator of the Federal Aviation Administration shall develop and submit annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States, a 3-year projection of the number of air traffic controllers needed to be employed to operate such system to meet such standards, and a detailed plan for employing such controllers, including projected budget requests.

SEC. 121. MINIMUM NUMBER OF AIR TRAFFIC CONTROLLERS.

The Administrator of the Federal Aviation Administration shall hire such additional persons as are necessary to make the number of persons employed in the air traffic control work force of such Administration on September 30, 1993, not less than 18,128.

SEC. 122. LIMITATION ON PRIVATIZATION OF OPERATION OF CERTAIN AIRPORT CONTROL TOWERS.

The Administrator of the Federal Aviation Administration shall not enter into any contract on or before September 30, 1994, with a private person for operation of an airport control tower at any airport which in fiscal year 1990 had 5,500 or more air carrier operations and 40,000 or more air taxi operations unless the owner or operator of such airport first agrees, in writing, to the Administrator entering into such contract.

SEC. 123. EFFECTS OF AIRPORT NOISE.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall—

(1) analyze the social, economic, and health effects of airport noise on populations within 65, 60, and 55 LDN noise areas to determine the actual level at which noise creates an adverse impact on populations; and

(2) study the effect of single event noise on populations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act and after providing notice and opportunity for public comment, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the analysis and study conducted under subsection (a).

SEC. 124. AVIATION SAFETY INSPECTORS.

The Administrator of the Federal Aviation Administration shall, within authorized levels, increase the employment of aviation safety inspectors so that by the end of fiscal year 1995 the ratio of employed safety inspectors to authorized positions for such inspectors is not less than 95 percent. The Administrator shall ensure that the current backlog

in inspector training is eliminated by the end of fiscal year 1995 and that adequate administrative and clerical support is made available, from appropriations for Federal Aviation Administration operations, to support the inspector work force.

SEC. 125. AIRCRAFT OPERATIONS IN WINTER CONDITIONS.

(a) IN GENERAL.—Before November 1, 1992, the Administrator of the Federal Aviation Administration shall require, by regulation, procedures to improve safety of aircraft operations during winter conditions.

(b) FACTORS TO BE CONSIDERED.—In determining procedures to be required under subsection (a), the Administrator shall consider, among other things, aircraft and air traffic control modifications, the availability of different types of deicing fluids (taking into account their efficacy and environmental limitations), the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

SEC. 126. VISUAL FLIGHT RULE ROUTES FOR COMPLEX TERMINAL AIRSPACE AREAS.

Section 307(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1348(b)) is amended by adding at the end the following: "In carrying out clause (3), the Administrator shall update and arrange for publication of clearly defined routes for navigating through a complex terminal airspace area, and to and from an airport located within such an area, where the Administrator determines that publication of such routes would promote safety in air navigation. Such routes shall be for the optional use of pilots operating under visual flight rules and shall be developed in consultation with pilots and other users of affected airports.".

SEC. 127. STUDY ON REFLECTORIZATION OF TAXIWAY AND RUNWAY MARKINGS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the safety benefits derived from the reflectorization of runways and taxiways of all military airfields under Federal Specification TT-B-1325B should be extended to runways and taxiways of public use airports.

(b) REPORT.—Not later than June 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations concerning requirements for upgraded reflectorization of runways and taxiways at public use airports.

SEC. 128. LANDBANKING AND OPTIONS TO PURCHASE LAND.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the following types of projects:

(1) LANDBANKING.—The purchase of land for airport development to be carried out more than 5 years after the date of the purchase.

(2) OPTIONS TO PURCHASE.—The purchase of options to purchase land for airport development.

(b) CONTENT.—In conducting the study under subsection (a), the Secretary shall examine the following:

(1) ELIGIBILITY FOR FUNDING.—Whether or not the projects described in paragraphs (1) and (2) of subsection (a) should be eligible for funding under the Airport Improvement Program.

(2) CONDITIONS.—If the projects described in paragraphs (1) and (2) of subsection (a) become eligible for funding under the Airport Improvement Program—

(A) whether or not certain limitations should be imposed on such projects;

(B) whether or not priority should be afforded to the funding of such projects in relation to other airport development projects; and

(C) whether or not certain environmental requirements should be imposed on such projects.

(c) REPORT.—Not later than December 31, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with any appropriate recommendations for legislative and administrative action.

SEC. 129. LIGHTING SYSTEMS FOR AIRCRAFT OBSTRUCTIONS AND AIRPORT RUNWAYS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section, together with recommendations on methods to ensure that the best available technologies are utilized in lighting systems described in subsection (a).

SEC. 130. ECONOMIC BENEFITS OF AIRPORT DEVELOPMENT PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the economic benefits of carrying out airport development projects in areas designated as "redevelopment areas" under section 401 of the Public Works and Economic Development Act of 1965.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations on whether or not airport development projects in areas described in subsection (a) should receive priority consideration in the distribution of grants under the Airport Improvement Program.

SEC. 131. SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS IN AREAS SURROUNDING AIRPORTS.

During the 2-year period beginning on the date of the enactment of this Act, the Secretary may make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for projects to soundproof residential buildings—

(1) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(2) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(3) if the Secretary determines that the proposed projects are compatible with the purposes of the Aviation Safety and Noise Abatement Act of 1979.

SEC. 132. LAREDO INTERNATIONAL AIRPORT, LAREDO, TEXAS.

Section 313(c)(2)(C) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (101 Stat. 1531) is amended by striking "20 years" and inserting "40 years".

SEC. 133. STUDY OF SMALL AIRPORT RUNWAY MAINTENANCE.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the ability of airports which annually enplane .05 percent or less of total enplanements in the United States to finance the maintenance of runways, aprons, and taxiways constructed under the Airport Improvement Program, whether or not it would be desirable to make maintenance of runways, aprons, and taxiways eligible projects for grants under the Airport Improvement Program, and whether or not the result of making such maintenance eligible projects would be to reduce the long-term costs of airport development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations.

SEC. 134. TUCSON STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the current and projected need for air traffic control and related services in the airspace in the vicinity of Tucson, Arizona. In particular the study shall focus upon—

(1) the facilities and personnel necessary to assist general aviation pilots in the vicinity of Tucson and the United States-Mexico border area with services such as weather and traffic advisories;

(2) flight plan filings; and

(3) notification of law enforcement agencies that monitor international air traffic between Arizona and Mexico.

(b) REPORT.—Not later than May 1, 1993, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a). The report shall include the Administrator's evaluation of the ability of the consolidation plans of the Federal Aviation Administration to assure no reduction or delay in the delivery of air traffic control and related services to pilots in the vicinity of Tucson.

(c) STATUS.—The Administrator of the Federal Aviation Administration shall not change the status (including reductions in staff, changes in operating hours, changes in jurisdiction, and disconnection of telephone lines) of the Tucson flight service station before the 60th day following the date on which the report required by subsection (b) is submitted.

SEC. 135. AIR TRAFFIC OVER GRAND CANYON.

(a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with the Director of the National Park Service, the State of Arizona, the State of Nevada, the Clark County Department of Aviation, affected Indian tribes, and the general public, shall conduct a study on increased air traffic over Grand Canyon National Park.

(b) REPORT.—The Administrator of the Federal Aviation Administration shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) A report on the increase in air traffic over Grand Canyon National Park since 1987.

(2) A forecast of the increase in air traffic over Grand Canyon National Park through 2010.

(3) A report on the carrying capacity of the airspace over Grand Canyon National Park to ensure aviation safety and to meet the requirements established by section 3 of the Act of August 18, 1987 (Public Law 100-91; 101

Stat. 676), including the substantial restoration of natural quiet at the Park.

(4) A plan of action to manage increased air traffic over Grand Canyon National Park to ensure aviation safety and to meet the requirements established by such section 3 of the Act of August 18, 1987, including any measures to encourage or require the use of quiet aircraft technology by commercial air tour operators.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

SEC. 201. PROCUREMENT REFORM.

(a) IN GENERAL.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1344) is amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified as a level I visual flight rules tower by the Administrator if the Administrator determines that the State or political subdivision has the capability to comply with the requirements of this subsection. Any such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to section 303 is amended by adding at the end the following:

"(g) Limited sources of procurement.

"(h) Contract tower program.".

SEC. 202. AVIATION SECURITY TRAINING.

Section 316(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(c)) is amended by inserting "(1)" after "(c)" and by adding at the end the following new paragraph:

"(2) REIMBURSEMENT FOR CERTAIN EXPENSES.—At the discretion of the Administrator, reimbursement may be made for travel, transportation, and subsistence expenses for the security training of non-Federal domestic and foreign security personnel whose services will contribute significantly to carrying out civil aviation security programs under this section. To the extent practicable, air travel reimbursed under this paragraph shall be conducted on United States air carriers.".

SEC. 203. HAZARDS TO SAFE AND EFFICIENT AIR COMMERCE.

(a) NOTICE OF CONSTRUCTION.—Section 1101(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1501(a)) is amended—

(1) by inserting after "of the construction or alteration," the following: "or the establishment or expansion,";

(2) by inserting after "or of the proposed construction or alteration," the following: "or of the proposed establishment or expansion,"; and

(3) by inserting "or sanitary landfill" after "structure".

(b) LANDFILL HAZARD STUDY AND REPORT.—

(1) REQUIREMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study to determine whether a municipal solid waste facility located within a 5-mile radius of the end of a runway may have the potential for attracting or sustaining bird movements (from feeding, watering, or roosting in the area) that may pose a hazard across the runways or approach and departure patterns of aircraft.

(2) REPORT.—Not later than December 31, 1993, the Secretary of Transportation shall transmit to Congress, after first having provided an opportunity for public comment, a report on the results of the study conducted under paragraph (1), together with an assessment of the threat posed to aviation safety by the location of solid waste facilities near airport runways. The report shall include recommendations concerning the construction of new solid waste facilities and the expansion of existing facilities within a 5-mile radius of an airport runway.

SEC. 204. NATIONAL COMMISSION TO PROMOTE A STRONG AND COMPETITIVE AIRLINE INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Nation's airlines must be part of an intermodal transportation system that will move people and goods in the fastest, most efficient manner.

(2) The Nation's airlines provide our connections with the global economy. A strong airline industry is essential to our Nation's ability to compete in the international marketplace.

(3) The Nation's airlines are in a state of financial distress, having lost more than $6,000,000,000 in 1990 and 1991. These losses threaten the ability of our airlines to accommodate the growing aviation traffic demands of the 1990's which threaten to undermine our Nation's ability to compete in the global economy.

(4) Because of the airline industry's financial distress and the absence of government policies to promote competition, there has been a precipitous decline in the number of major airlines. Of the 22 airlines which entered the industry following airline deregulation, only 2 are now operating. The rest have either gone out of business or merged with other carriers.

(5) Concentration in the airline industry has advanced rapidly in the past few years. The top 4 major airlines now control 67 percent of aviation traffic and the top 7 airlines now control 91 percent of aviation traffic. Three major airlines, carrying 19 percent of aviation traffic, are in chapter 11 bankruptcy and their survival is in doubt.

(6) The continued success of a deregulated airline system requires the spur of effective actual and potential competition to force airlines to provide high quality service at the lowest possible fares.

(7) Further reductions in the number of major airlines may leave the industry without sufficient competition to ensure a continuation of the benefits consumers have received under airline deregulation.

(b) ESTABLISHMENT.—There is established a commission to be known as the "National Commission to Ensure a Strong Competitive Airline Industry" (hereinafter in this section referred to as the "Commission").

(c) FUNCTIONS.—

(1) INVESTIGATION AND STUDY.—The Commission shall make a complete investigation and study of the financial condition of the airline industry, the adequacy of competition in the airline industry, and legal impediments to a financially strong and competitive airline industry.

(2) POLICY RECOMMENDATIONS.—Based on the results of the investigation and study to be conducted under paragraph (1), the Commission shall recommend to the President and Congress those policies which need to be adopted to—

(A) achieve the national goal of a strong and competitive airline system which will facilitate the ability of the Nation to compete in the global economy;

(B) provide adequate levels of competition and service at reasonable fares in cities of all sizes;

(C) retard the flow of United States air carrier bankruptcies and accompanying loss of jobs for United States citizens;

(D) provide a stable work environment for airline industry employees; and

(E) continue to reduce noise for citizens around airports without damaging the economic or competitive positions of the air carriers.

(3) CONSIDERATION OF AIRCRAFT NOISE ABATEMENT.—In carrying out the study and investigation under paragraph (1), the Commission shall take into account aircraft noise abatement, a priority established by Congress by enactment of the Airport Noise and Capacity Act of 1990.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study under subsection (c)(1) the following:

(1) FINANCIAL CONDITION OF AIRLINE INDUSTRY.—The current financial condition of the airline industry and how the industry's financial condition is likely to change over the next 5 years, including—

(A) the profits or losses likely to be achieved by the airline industry over the next 5 years;

(B) whether or not any profits realized will be adequate to permit airlines to acquire the capital equipment necessary to meet the demand of the traveling public in a safe and efficient manner, while complying with environmental regulations; and

(C) whether or not any major airlines are likely to fail or sell major assets in order to survive.

(2) ADEQUACY OF COMPETITION.—The current state of competition in the airline industry, how the structure of airline industry competition is likely to change over the next 5 years, and whether or not the expected level of competition will be sufficient to continue the consumer benefits of airline deregulation.

(3) LEGAL IMPEDIMENTS TO A FINANCIALLY STRONG AND COMPETITIVE AIRLINE INDUSTRY.—Whether or not the Federal Government should take any legislative or administrative actions to improve the financial conditions of the airline industry or to enhance airline competition, including whether or not any changes are needed in the legal and administrative policies which govern—

(A) the initial award and the transfer of international airline routes;

(B) the allocation of slots at high density airports;

(C) the allocation of gates, particularly at airports dominated by 1 or a limited number of airlines;

(D) frequent flier programs;

(E) airline computer reservations systems;

(F) the rights of foreign investors to invest in United States airlines;

(G) the taxes and user fees imposed on United States airlines;

(H) the regulatory responsibilities imposed on United States airlines;

(I) the bankruptcy laws of the United States and related fitness rules administered by the Department of Transportation as they apply to airlines; and

(J) the obligations of failing airlines to meet pension obligations.

(4) INTERNATIONAL AVIATION POLICY.—Whether or not the policies and strategies followed by the United States in international aviation are promoting the ability of United States airlines to achieve long-term competitive success in international markets, including—

(A) the Government's general negotiating policy;

(B) the desirability of multilateral rather than bilateral negotiations;

(C) whether or not foreign countries have developed the necessary infrastructure of airports and airways to enable United States airlines to provide the service needed to meet the demand for aviation service between the United States and such countries;

(D) the rights granted foreign airlines to provide service in United States domestic markets ("cabotage"); and

(E) the rights granted foreign investors to invest in United States airlines.

(5) ASSESSMENT OF AIRCRAFT MANUFACTURING INDUSTRY.—The state of the United States aircraft manufacturing industry and make recommendations to the President and Congress concerning policies that will help foster a healthy, competitive United States aircraft manufacturing industry.

(6) STUDY OF INCENTIVES FOR EXPEDITED FLEET CONVERSION.—The possibility of long-term loan guarantees and tax incentives for air carriers to expedite the conversion of the commercial airline fleet from Stage 2 to Stage 3 aircraft in advance of the deadlines established by the Airport Noise and Capacity Act of 1990.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(A) 1 member appointed by the President.

(B) 3 members appointed by the Speaker of the House of Representatives.

(C) 3 members appointed by the majority leader of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in transportation policy (including representatives of Federal, State, and local governments and other public authorities owning or operating airports) and organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.

(B) SECTORS REPRESENTED.—Members appointed pursuant to paragraph (1) shall be appointed in a manner such that the interests of both large hub airports and small airports with commercial air service will be taken into consideration. One member of the Commission shall be a citizen representing a consensus among citizen noise groups or noise affected municipalities.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c)(2).

(k) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992".

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

"(A) for fiscal year 1993—

"(i) $14,700,000 solely for management and analysis projects and activities;

"(ii) $87,000,000 solely for capacity and air traffic management technology projects and activities;

"(iii) $28,000,000 solely for communications, navigation, and surveillance projects and activities;

"(iv) $7,700,000 solely for weather projects and activities;

"(v) $6,800,000 solely for airport technology projects and activities;

"(vi) $44,000,000 solely for aircraft safety technology projects and activities;

"(vii) $41,100,000 solely for system security technology projects and activities;

"(viii) $31,000,000 solely for human factors and aviation medicine projects and activities;

"(ix) $4,500,000 for environment and energy projects and activities; and

"(x) $5,200,000 for innovative/cooperative research projects and activities; and

"(B) for fiscal year 1994, $297,000,000.

Not less than 15 percent of the amount appropriated pursuant to this paragraph shall be for long-term research projects, and not less than 3 percent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958.".

SEC. 303. DEICING STUDY.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall report to Congress on the feasibility of requiring commercial airports and commercial airlines to employ portable equipment to deice commercial aircraft immediately prior to takeoff by placing deicing equipment close to the departure end of the active runway. In addition, the Secretary shall undertake research to develop new techniques and to develop more efficient fluids and technologies for deicing.

SEC. 304. AIRCRAFT NOISE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

(b) GOAL.—The goal of the research program established by subsection (a) is to develop by the year 2000 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

(c) PARTICIPATION.—In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

(d) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described in subsection (b).

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary of Transportation, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

TITLE IV—AVIATION INSURANCE

SEC. 401. INSURANCE FOR DEPARTMENTS AND AGENCIES OF THE UNITED STATES.

(a) IN GENERAL.—Section 1304(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1534(a)) is amended—

(1) by inserting after "under this title" the following: ", including insurance to cover any risk from the operation of an aircraft while such aircraft is engaged in intrastate, interstate, or overseas air commerce"; and

(2) by adding at the end the following new sentence: "In addition, such department or agency may, with the approval of the President, procure such insurance to cover any risk arising from the provision of goods or services directly related to and necessary for an operation of an aircraft covered by insurance procured under the preceding sentence if such operation is in the performance of a contract of such department or agency or is for the purpose of transporting military forces or materiel on behalf of the United States pursuant to an agreement between the United States and a foreign government.".

(b) CONFORMING AMENDMENT.—Section 1302(a)(3) of such Act (49 U.S.C. App. 1532(a)(3)) is amended by striking "Insurance" and inserting "Subject to section 1304(a), insurance".

SEC. 402. EXTENSION OF PROGRAM.

Section 1312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1542) is amended by striking "1992" and inserting "1997".

SEC. 403. ADMINISTRATION OF AVIATION INSURANCE PROGRAM.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of the administration of the aviation insurance program under title XIII of the Federal Aviation Act of 1958 during the Persian Gulf conflict for the purpose of determining methods of improving the efficiency of the administration of such program by reducing the paperwork and time period required for provision of insurance under such program.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the review conducted under subsection (a), together with any recommendations of the Comptroller General for improving the efficiency of the administration of the aviation insurance program under title XIII of the Federal Aviation Act of 1958.

SEC. 404. CONTINUATION OF AVIATION INSURANCE LAWS.

Notwithstanding any other provision of law, the provisions of title XIII of the Federal Aviation Act of 1958 and all insurance policies issued by the Secretary of Transportation under such title, as in effect on September 30, 1992, shall be treated as having continued in effect until the date of the enactment of this Act.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND

SEC. 501. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND.

Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1992" and inserting "October 1, 1995", and

(2) by striking in subparagraph (A) "(as such Acts were in effect on the date of the enactment of the Aviation Safety and Capacity Expansion Act of 1990)" and inserting "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)".

SEC. 502. CLARIFICATION OF TRUST FUND REVENUES.

(a) IN GENERAL.—Paragraph (1) of section 9502(e) of the Internal Revenue Code of 1986 (relating to special rules for transfers into trust fund) is amended to read as follows:

"(1) INCREASES IN TAX REVENUES BEFORE 1993 TO REMAIN IN GENERAL FUND.—In the case of taxes imposed before January 1, 1993, the amounts required to be appropriated under paragraphs (1), (2), and (3) of subsection (b) shall be determined without regard to any increase in a rate of tax enacted by the Revenue Reconciliation Act of 1990.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 11213 of the Revenue Reconciliation Act of 1990 on the date of the enactment of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1958, civil aviation passed a milestone. It became in that year the Nation's leading mode of transportation, surpassing both rail and buses.

By January 1, 1990, aviation had passed another milestone: Domestic air travelers, during 1989, were forced to endure 117 million hours of delay, costing the economy $5 billion.

Civil aviation in America stood at an infrastructure capacity crossroads.

O'Hare Airport had earned the dubious distinction of being the first airport in the Nation to suffer 100,000 hours of delay. Closing in on O'Hare's honors were airports at Denver and Atlanta.

Twenty-one other airports had accumulated up to 50,000 hours of delay each, with 18 others in line to join them.

Airlines told the Aviation Subcommittee that if delay could be reduced just 5 hours a day, each carrier could save $80,000 a day.

There were two fixes available for this capacity-congestion problem: First, to expand the physical capacity of airport runways, taxiways, and parking aprons, and second, to modernize the air traffic control and navigation system technology. Both would be expensive, but both would return enormous benefits, an estimated $90 billion in savings and benefits to air travelers and air carriers over the decade of the 1990's.

The investments and capacity in air traffic technology would also keep America at the leading edge of aviation science and also the preeminent competitor worldwide in aviation technology.

Our Subcommittee on Aviation did not shrink from the challenge. We tackled the responsibility of answering these urgent needs by crafting legislation, enacted into law later that year, to provide financing of airport capacity improvements totaling $50 billion over the balance of the decade, and $25 billion in air traffic and weather and navigation technology advances into the year 2000.

The bill that the gentleman from Pennsylvania [Mr. CLINGER] and I bring to the floor tonight extends those authorizations for an additional 3 years, with some fine tuning and enhancement based upon the experience of the last 2 years.

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Fundamentally, Mr. Speaker, this is the same bill, H.R. 4691, which already passed the House by a vote of 410 to 2 on May 19, earlier this year. We bring it up tonight, I would say, in the nature of a conference report incorporating in to this bill important provisions of a companion bill pending in the Senate. Through this procedure we hope to expedite final action in both bodies on this legislation which is so important to economic growth and improvement of aviation which is a $600 billion sector of our Nation's economy.

Mr. Speaker, I include for the RECORD a summary of the key provisions of this bill.

MAJOR PROVISIONS OF H.R. 6093

1. Authorizes funding of $30 billion for fiscal years 1993–1995 for the Airport Improvement Program, the FAA's Facilities and Equipment Program, FAA Operations and FAA Research and Development. Draws down the surplus in the Airport and Airway Trust Fund by about $1.5 billion.

2. Continues and expands the program for federal assistance for the conversion of former military airports to civil use.

3. Expands the program for assistance for the development of terminals at small airports.

4. Provides funding for airport compliance with federal environmental legislation.

5. Provides funding for structures and equipment for aircraft de-icing.

6. Establishes minimum staffing levels for FAA aircraft inspectors and air traffic controllers.

7. Extends and expands the state block grant program for development of small airports.

8. Reforms FAA procurement procedures.

9. Establishes a commission to study the financial crisis of the airlines.

10. Renews the Aviation War Risk Insurance Program.

I would like to take this opportunity to thank my colleague, the gentleman from Pennsylvania [Mr. CLINGER], and the ranking member of the Aviation Subcommittee for his diligent work and hard effort that he has given from

the outset of the scenario I described a moment ago. His thoughtful suggestions, his hard work, and marshalling the arguments and bringing together the people that had made possible the original legislation in tonight's version have been invaluable. He is a thoughtful, and constructive and productive Member of this body, but particularly this subcommittee has mastered the issues of aviation, and it is such a delight to be able to work with the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, first of all, want to express my thanks for the very kind words of my chairman who has been an enormously effective leader in the field of aviation for so many years and who has been instrumental in bringing this bill to the floor tonight, and it is important that this bill be brought to the floor tonight because we are perilously close, Mr. Speaker, to aborting a program that really has promise of addressing the recessionary problems that we are facing in this country. We are risking the loss of an enormous number of jobs if, in fact, the airport improvement program is allowed to be aborted or stultified at this particular point in time.

So, Mr. Speaker, I commend my chairman because he has recognized the importance of seeing this program reauthorized tonight, and of bringing this bill to the floor and, in effect, putting the ball in the court of the other body to act on this program before this body and the Congress as a whole adjourns sine die within the next 2 days.

I cannot believe that we, as responsible legislators, would really allow this program to terminate, or at least come to a temporary end, and I am confident that that will not be the case. But if it is not, it will clearly be largely the result of Chairman OBERSTAR's diligence and persistence in pursuing this and pushing us to the point at 10:30 at night to get this bill passed and to move it to the other body and, hopefully, have them act on it in an expeditious way.

Mr. Speaker, the airport improvement program is an entitlement program that disburses money, as we know, on a formula basis to commercial service airlines around the country. The funds are used to build and maintain our Nation's airport infrastructure such as runways, taxiways, terminal buildings, navigation equipment, and the like.

The program is fundamental to our air commerce industry. For fiscal year 1992, $1.9 billion was obligated from the aviation trust fund for AIP. Yesterday, October 1, marked the beginning of the new Federal fiscal year. On that date authorization for the AIP Program expired. Every commercial service airport in the country now faces really extreme financial distress unless Congress passes legislation reauthorizing the program so that the flow of funds is not seriously jeopardized any longer than it need be.

Literally tens of thousands of jobs are at stake, Mr. Speaker, if this program is not renewed. Airports are going to begin shutting down ongoing construction programs and laying off permanent employees. The AIP program represents an important source of funding to help sustain important airport operation and development.

This House, as my chairman has indicated, has been diligent about meeting its legislative obligations, acting on this very important piece of legislation some months ago. The Committee on Public Works and Transportation did report out a reauthorization bill to the House on April 8, and on May 19 the House, as the gentleman from Minnesota [Mr. OBERSTAR] indicated, passed this bill by an overwhelming margin of 410 to 2. Sadly, as has been reported, the other body has thus far failed to act on this legislation.

So, we stand here tonight, Mr. Speaker, to ask Members to favorably consider this legislation to reauthorize the airport improvement program under suspension of the rules, a procedure that we would not normally want to pursue in this area because this is an important program.

The bill before us tonight, H.R. 6093, contains many of the same provisions as the gentleman from Minnesota [Mr. OBERSTAR] has indicated of H.R. 4691. It also includes provisions from the companion Senate bill, S. 2642, not in conflict with the House bill, and I would just stress that we have tried to go the extra mile. We have gone, we think, more than halfway in addressing the interests of the other body and including in this, as the gentleman from Minnesota [Mr. OBERSTAR] indicated, hopefully a conference report bill that we are introducing tonight.

We have gone more than halfway to try to accommodate the interests of the other body by including those provisions out of their bill in this bill, and we hope that this will overcome what we have perceived as some intransigence on their part to deal with this very important legislation. We are compelled to take this measure through the House again in an effort to salvage, and really that is what we are about tonight. We are trying to salvage the airport improvement program, frankly because of the inaction of the other body in this regard.

So, I support this bill very, very strongly. It is vital to our air commerce industry. I ask all Members to support the bill as well.

Mr. OBERSTAR. Mr. Speaker, I would like to express my very deep appreciation to the staff on both sides of our subcommittee for their diligent work on this ultima aura that, as the gentleman from Pennsylvania [Mr. CLINGER] said, is so vital to the continuity of aviation in our country.

Mr. Speaker, I wish to clarify that Section 511(h)(2) of the Airport and Airway Improvement Act of 1982 (AAIA), as amended, does not apply to car rental firms doing business at an airport for the purposes of determining compliance with any requirement imposed pursuant to section 511(a)(17) of AAIA. Administration of DBE assurance for car rental firms shall be governed by section 511(h)(3) of AAIA, as amended.

In addition, I note that Section 511(h)(3)(C) of AAIA, as amended, provides that nothing in the law on DBE assurance "shall require a car rental firm to change its corporate structure to provide for direct ownership arrangements." For example, a car rental firm is not required, but is permitted, by the DBE assurance sections 511(a)(17) and 511(h) of the AAIA, as amended, to transfer corporate assets or engage in joint ventures, partnerships or subleases.

Mr. ROE. Mr. Speaker, H.R. 6093 is absolutely essential legislation for our Nation's aviation transportation system. America needs jobs and this bill means productive, real jobs.

I applaud the efforts of Subcommittee Chairman JIM OBERSTAR of Minnesota, and ranking Republican members JOHN PAUL HAMMERSCHIMDT of Arkansas and BILL CLINGER of Pennsylvania for their diligence and continuing efforts to ensure that this important legislation becomes law.

The bill is very similar to H.R. 4691, the Airport and Airway Safety, Capacity, Noise Improvement, and Inermodal Transportation Act of 1992, which passed the House last may on a 410 to 2 vote.

We are bringing this bill to the House floor again with minor adjustments based on the Senate companion measure. The Senate committee has reported a bill, but has yet to get it cleared for floor action.

We are using this strategy because it is absolutely critical that we enact this aviation authorization bill this year. Our Nation's aviation system is too important to our economy to allow the authorization to expire.

In this bill, we take the major step of bringing the aviation system into the intermodal transportation system we created last year. The continued development and expansion of the intermodal transportation system, including aviation, is essential for our Nation's ability to compete in the global economy of the 21st century.

The bill authorizes 3 years of funds for grants for the upgrading of our Nation's airport modernization of the air traffic control system, the operational expenses of Federal Aviation Administration, and aeronautical research and development.

The bill authorizes funding of more than $30 billion to improve the safety and capacity of our aviation infrastructure. It is estimated that the Airport Grant Program established by the bill will create or sustain approximately 100,000 jobs.

Events of recent years have caused a serious and deep concern on the committee about the condition and future of our Nation's airlines. This bill establishes a commission to study the financial condition of the airline industry, the adequacy of competition, and the impediments to a financially strong and competitive airline industry.

We must take the steps necessary to ensure that our Nation's airlines remain strong and competitive. We must not stay idle while one airline after another disappears from the skies.

The bill is vital to our Nation's transportation system and our economy. A vote for this bill is a vote for jobs.

I urge passage of H.R. 6093, and ask unanimous consent to revise and extend my remarks.

Mr. HAMMERSCHMIDT. Mr. Speaker, last May, this body passed an aviation reauthorization bill, H.R. 4691. That bill provided funding of the airport improvement and other aviation programs. It also made some legislative changes to those programs to help improve both large and small airports and to make the aviation system safer for everyone to use.

This bill was developed after extensive hearings and lengthy markups in subcommittee and committee. It was brought to the floor in May under an open rule. As I said at that time, Chairmen ROE and OBERSTAR, as well as the ranking member, Mr. CLINGER, are to be commended for their hard work in developing this legislative package.

Unfortunately, that bill is now stalled in the other body. A bill, S. 2642, has been reported out of committee. Unfortunately, they have been unable or unwilling to bring it to the floor.

If an aviation reauthorization bill is not passed, the FAA will be unable to make grants for airport improvements. Taxes that passengers have already paid will sit in the trust fund unused. Our efforts to improve airport infrastructure will grind to a halt. But most importantly, jobs will be lost. With the economic problems facing us now, that is unconscionable.

Therefore, in order to try to salvage the Airport Improvement Program, we have combined the best elements of the House and Senate bills. That is the legislation we bring before the House today.

It contains most of the provisions in the bill that was passed by the House last May. It also contains most of the provisions that were reported by the Senate committee in August. Where there was a conflict between the two bills, we did our best to resolve the differences fairly to both bodies.

For example, the House bill was a 2-year authorization and the Senate bill was for 3 years. In that case, we adopted the Senate's approach. In other provisions, such as those benefiting small airports and cargo hubs, we adopted the House approach.

Mr. Speaker, I believe the bill before us now is a fair and reasonable compromise. Hopefully, if we pass it now, the Senate can soon do the same and we will have ensured that important airport improvements will continue to move forward.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLTER). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 6093 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. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AUTHORIZING PRESENTATION OF NATIVE AMERICAN INDIAN PROGRAM ON THE CAPITOL GROUNDS

Mr. SAVAGE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 367) authorizing the presentation of a program on the Capitol grounds.

The Clerk read as follows:

H. CON. RES. 367

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PROGRAM ON THE CAPITOL GROUNDS.

On October 12, 1992, the Morning Star Foundation and the 1992 Alliance (in this resolution referred to as the "non-Federal sponsor"), may present on the Capitol grounds a program known as the "Native Voices: 500 Years After".

SEC. 2. REQUIREMENT FOR WRITTEN AGREEMENT.

The non-Federal sponsor may construct and use structures and equipment on the Capitol grounds, and otherwise make arrangements for presentation of the program, only in accordance with a written agreement between the non-Federal sponsor and the Architect of the Capitol.

SEC. 3. CONDITIONS.

The program shall be carried out in accordance with such conditions as the Architect of the Capitol and the Capitol Police Board may prescribe. Such conditions, to be included in the agreement under section 2, shall include the following:

(1) CAPITOL GROUNDS.—Only that portion of the Capitol grounds comprising the upper Senate park may be used for the program.

(2) ADMISSION.—The program shall be open for admission to the general public without charge.

(3) EXPENSES AND LIABILITIES.—The non-Federal sponsor shall assume full responsibility for all expenses incident to activities associated with the program and shall indemnify, hold harmless, and defend the United States against any loss, damage, claim, or other liability incident to such activities.

(4) LIMITATION ON REPRESENTATIONS.—The non-Federal sponsor shall ensure that no person who supports presentation of the program by contributing amounts or products to the non-Federal sponsor will represent, either directly or indirectly, that such support in any way constitutes approval or endorsement by the Federal Government of such person or any product or service offered by such person.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. Savage] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognized the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Speaker, I yield myself such time as I may consume.

On October 12 of this year, Mr. Speaker, the Morning Star Foundation and the 1992 Alliance will present a program on the Capitol Grounds. This program, known as Native Voices 500 Years After, will provide an excellent educational opportunity for all Americans to be enriched by the culture, tradition, and ceremonies of the indigenous people of what is now the United States of America. Thus it is especially appropriate that this program take place on October 12, 1992, the 500th anniversary of the voyage of Christopher Columbus whose wake was poisoned with barbaric African slavery and Indian genocide.

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Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am filling in for the gentleman from Oklahoma [Mr. INHOFE], the ranking member on the Committee on Public Buildings and Grounds, who was unable to be with us this evening.

Mr. Speaker, I rise in support of House Concurrent Resolution 367, which will authorize the Morning Star Foundation and the 1992 Alliance to sponsor a program entitled Native Voices: 500 Years After, on the Grounds of the Capitol on October 12, 1992.

This event will be an opportunity for all Americans to learn of the important contributions made by Native Americans. As we celebrate the 500th anniversary of the arrival of Christopher Columbus to the Americas, it is most appropriate that we include in our observances the role played by Native Americans in the history of our country.

Given that all the necessary requirements of the Architect of the Capitol have been met regarding this event, I support House Concurrent Resolution 367 and urge my colleagues to do likewise.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAVAGE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the

motion offered by the gentleman from Illinois [Mr. SAVAGE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 367.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 367.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965 AMENDMENTS

Mr. KOLTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4157) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The Clerk read as follows.

H.R. 4157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL DEVELOPMENT INVESTMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Public Works and Economic Development Act Amendments of 1992".

SEC. 102. STATEMENT OF PURPOSE.

Section 2 of the Public Works and Economic Development Act of 1965 is amended by adding at the end the following:

"Congress further declares that changing national and global economies have created new problems and challenges for the Nation; that between 1982 and 1992 the United States has become a debtor rather than a creditor nation and has been running a trade deficit; that United States export of industrial and manufacturing jobs to other nations has reached an alarming level; and that, therefore, the Federal Government, recognizing that the private sector remains the ultimate generator of employment and economic growth, should promote balanced national growth and economic development by providing Federal aid to overcome infrastructure neglect in distressed areas, to encourage private capital investment, business stability, and expansion by helping the Nation's industrial and commercial resources become more competitive in national and international markets.".

SEC. 103. AMENDMENT TO TITLES I THROUGH VII OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

The Public Works and Economic Development Act of 1965 is amended by striking titles I through VII and inserting the following:

"TITLE I—DEVELOPMENT INVESTMENT ASSISTANCE

"SEC. 101. DEVELOPMENT INVESTMENT ASSISTANCE.

"(a) GRANTS.—Upon application of an applicant qualifying under section 102 and subject to the provisions of this title, the Secretary is authorized to make a grant to such applicant for one or more of the following:

"(1) CONSTRUCTING AND IMPROVING PUBLIC FACILITIES.—Construction, repair, rehabilitation, and improvement of public facilities, including demolition of existing structures and other site preparation measures, and the acquisition of land and other public works improvements to encourage and support private development.

"(2) REVOLVING LOAN FUNDS.—Establishment of revolving loan funds to promote establishment and growth of small businesses and to retain firms and entrepreneurs which contribute to the creation, retention, and expansion of private sector jobs.

"(3) EMPLOYEE STOCK OWNERSHIP PLANS.—Establishment of revolving loan funds to promote establishment of qualified employee ownership organizations which prevent economic dislocation, facilitate economic adjustment, or contribute to economic diversification and long-term economic vitality.

"(b) TECHNICAL ASSISTANCE.—Upon application of an applicant qualifying under section 102 and subject to the provisions of this title, the Secretary may provide technical assistance for improving and enhancing economic development.

"SEC. 102. QUALIFYING APPLICANTS AND LIMITATIONS ON LOCATIONS OF PROJECTS.

"(a) APPLICANTS FOR DISTRESSED LOCAL GOVERNMENTS.—The following entities may apply for assistance under section 101 for projects and activities to be carried out in the jurisdictional area of a unit of local government which meets the requirements of section 104:

"(1) STATE GOVERNMENT.—The State in which the unit of local government is located may apply if—

"(A) such unit has a population of less than 50,000; and

"(B) such unit is located outside the boundaries of an economic development district.

"(2) LOCAL GOVERNMENT.—The unit of local government may apply; except that—

"(A) in any case in which the unit of local government has a population of less than 50,000 and is located outside the boundaries of an economic development district, such unit must consult the State in the preparation of the grant application; and

"(B) in any case in which the unit of local government is located within the boundaries of an economic development district, such unit must consult such district in the preparation of the grant application.

"(3) ECONOMIC DEVELOPMENT DISTRICT.—The economic development district in which the unit of local government is located may apply.

"(4) ECONOMIC DEVELOPMENT ORGANIZATION.—A private or public nonprofit organization established for economic development purposes and representing an area within the jurisdictional area of the unit of local government may apply if—

"(A) such unit has a population of 50,000 or more;

"(B) such unit is located outside the boundaries of an economic development district; and

"(C) the grant application has been approved by such unit.

"(b) APPLICATIONS FOR INDIAN LANDS.—An Indian tribe may apply for assistance under section 101 for projects and activities to be carried out on lands owned by, or held in trust for, such tribe if such lands meet the requirements of section 104.

"(c) APPLICATIONS FOR POCKETS OF POVERTY.—The following entities may apply for assistance under section 101 for projects and activities to be carried out in an area which meets the requirements of section 104 and is located in the jurisdictional area of a unit of local government which has a population of 50,000 or more and does not meet such requirements:

"(1) LOCAL GOVERNMENT.—The unit of local government may apply; except that in any case in which the unit of local government is located within the boundaries of an economic development district, such unit must consult such district in the preparation of the grant application.

"(2) DEVELOPMENT ORGANIZATION AS APPLICANT.—A private or public nonprofit organization established for economic development purposes and representing the area meeting the requirements of section 104 may apply if such organization consults the unit of local government in the preparation of the grant application.

"SEC. 103. APPLICATION FOR GRANT.

"(a) CONTENTS.—An application for assistance under this title shall include, but need not be limited to—

"(1) a certification that the area over which the applicant has jurisdiction meets the requirements of section 104; except that—

"(A) in any case in which the applicant is a State, economic development district, or an organization described in section 102(a)(4), the certification must be for the area over which the concerned unit of local government has jurisdiction;

"(B) in any case in which the applicant is an Indian tribe, the certification must be for lands owned by, or held in trust for, such Indian tribe; and

"(C) in any case in which the applicant is an organization described in section 102(c)(2), the certification must be for the area such organization represents;

"(2) a certification relative to the performance of any responsibilities which the Secretary has agreed to accept under section 306; and

"(3) a development investment strategy prepared in accordance with section 105.

"(b) FACTORS TO BE CONSIDERED IN APPROVAL PROCESS.—In approving applications for assistance under this title, the Secretary shall give consideration to—

"(1) the severity of distress in the area for which the grant is to be made;

"(2) the extent to which the grant will result in increased, or more stabilized, permanent employment in such area;

"(3) the ratio of private sector investments committed in such area to the amount of the grant applied for;

"(4) the extent to which the appropriate State and local governments have undertaken or agree to undertake other related actions to encourage economic development and the expansion of employment opportunities;

"(5) the effectiveness of the development investment strategy and the degree to which the proposed project contributes to its implementation (including the strategy's relationship to economic problems identified in the strategy), expands employment opportunities in the existing labor market, provides incentives to retain private businesses, expands or improves public facilities, and encourages private investment; and

"(6) the extent to which the strategy and activities are consistent with State and local goals and contribute to long-term economic growth and private sector employment opportunities and establish an overall strengthened economic and business environment which will be self-sustaining.

"(c) LIMITATION ON ASSISTANCE FACILITATING RELOCATIONS.—No assistance may be provided under this title for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation would not significantly and adversely affect employment in, or the economic base of, the area from which the industrial or commercial plant or facility would be leaving.

"SEC. 104. DISTRESS REQUIREMENTS.

"(a) CERTIFICATION.—In order to be eligible for assistance under this title, the applicant must certify that the area which is required by section 102 to meet the requirements of this section meets one or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(b) DOCUMENTATION OF DISTRESS.—Documentation of distress shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Secretary unless it is determined to be inaccurate. The most recent statistics available must be used.

"SEC. 105. DEVELOPMENT INVESTMENT STRATEGY.

"(a) PREPARATION AND CONTENTS.—Except as provided in subsection (b), an applicant for assistance under this title shall prepare a development investment strategy for the area which is required by section 102 to meet the requirements of section 104. The development investment strategy must—

"(1) identify the economic development problems sought to be addressed by the grant;

"(2) identify past, present, and projected future economic development investments in such area and public and private participants and sources of funding for such investments;

"(3) identify the extent to which the development investment strategy takes into account—

"(A) availability of developable land and space in the area;

"(B) public works, public service, and development facilities in the area;

"(C) availability of low-cost capital;

"(D) tax policy on investments in the area;

"(E) level of skill of the labor force; and

"(F) ability of State and units of local government to provide financial assistance in the management and implementation of the strategy;

"(4) set forth a strategy for addressing the economic problems identified in paragraph (1) and discusses the manner in which the strategy will solve such problems;

"(5) provide a description of the projects necessary to implement the strategy, an estimate and analysis of the costs and anticipated benefits of implementing the strategy, and an estimate of the timetables for completion of such projects;

"(6) provide a summary of public and private resources which are expected to be available for such projects; and

"(7) provide a comprehensive plan which demonstrates participation in all phases of the development and implementation of the development investment strategy by a representative percentage of small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

"(b) CONSULTATION OF STATE OR ECONOMIC DEVELOPMENT DISTRICT.—In any case in which a unit of local government is the eligible applicant under section 102(a)(2), the unit of local government shall consult the State or economic development district, respectively, in the preparation of a development investment strategy.

"(c) APPROVAL OF DEVELOPMENT ORGANIZATION'S STRATEGY.—In any case in which a private or public nonprofit development organization within a unit of local government is the eligible applicant under section 102(c)(2), the organization must consult the unit of local government in the preparation of the organization's development investment strategy.

"SEC. 106. LIMITATIONS ON REVOLVING LOAN FUNDS.

"(a) PURPOSES AND USES OF GRANTS.—Grants under section 101(a) shall be for the purposes of stimulating small business development and promoting economic growth which contributes to an improved local tax base and the creation of permanent employment opportunities. Such grants may only be made to establish or recapitalize a revolving loan fund which will be used only—

"(1) for making loans or guaranteeing loans to small businesses for initial or working capital, or the purchase, rehabilitation or expansion of facilities or equipment; and

"(2) for making loans or guaranteeing loans to businesses if a relatively small amount of capital is needed to complete financing necessary to retain the business in the area.

"(b) DISTRESS REQUIREMENTS.—A grant made under section 101(a)(2) shall be made on the condition that the revolving loan fund established or recapitalized pursuant to such grant shall be used only for providing assistance described in subsection (a) in areas which meet the requirements of section 104.

"(c) LIMITATION ON AMOUNT OF GRANT.—No grant for the establishment or recapitalization of a revolving loan fund under section 101(a)(2) shall be made for more than $1,000,000.

"(d) CREDIT ELSEWHERE TEST.—No loan or guarantee shall be made from a revolving loan fund established or recapitalized pursuant to a grant under section 101(a)(2) unless the financial assistance applied for is not otherwise available from private lenders on terms which in the opinion of the administrator of the revolving loan fund will permit the accomplishment of the project.

"(e) TERMS OF GRANTS.—

"(1) USE ASSURANCES.—Any applicant for a grant for establishment or recapitalization of a revolving loan fund under section 101(a)(2) shall give assurances that amounts of any loan which are repaid to the fund will be available only for the purposes set forth in subsection (a).

"(2) REPAYMENT ASSURANCES.—No loan or guarantee may be made from a revolving loan fund established or recapitalized pursuant to a grant under section 101(a)(2) unless the applicant for such loan or guarantee provides reasonable assurance of repayment of the loan.

"(3) GRANTEE AS ADMINISTRATOR.—The grantee of any grant for establishment or recapitalization of a revolving loan fund under section 101(a)(2) shall administer the fund.

"(f) CONSIDERATION OF PAST PERFORMANCE.—In determining whether or not to make a grant for recapitalization of a revolving loan fund established or recapitalized pursuant to a grant under section 101(a)(2), the Secretary shall consider past performance of such fund.

"SEC. 107. FEDERAL SHARE.

"(a) CONSTRUCTION AND IMPROVEMENT PROJECTS.—The amount of any grant for a project described in section 101(a)(1) shall be that amount which when added to amounts available from all other sources is sufficient to complete such project. In no event shall the amount of any such grant exceed 50 percent of such cost of completing the project as determined at the time of the grant application. The Secretary may increase the maximum percentage of a grant from 50 percent to not more than 80 percent of the costs of completing a project described in section 101(a)(1) for an area which the Secretary determines is one of the most distressed of the areas meeting the distress requirements of section 104; except that the Secretary may not increase such percentage for more than 25 percent of the grants made in any fiscal year. In developing guidelines for determining which areas are the most distressed, the Secretary shall consider whether (1) the median family income for the area for the most recent 24-month period for which data is available is less than or equal to 75 percent of the national average median family income for such period, or (2) the average unemployment rate for the area for such period is greater than or equal to 2 times the national average unemployment for such period. No additional funds shall be granted or otherwise made available under this Act for any project described in section 101(a)(1) for which a grant has been made under this Act.

"(b) ESTABLISHMENT OF REVOLVING LOAN FUNDS.—The amount of any grant for the establishment of a revolving loan fund under section 101(a) shall not exceed an amount which is equal to the amount of funds available from all other sources for the establishment of such revolving loan fund. The amount of any additional grant for the recapitalization of a revolving loan fund previously established with a grant under section 101(a)(2) shall not exceed an amount which is equal to ⅓ of the amount of funds available from all other sources for such recapitalization.

"(c) INDIAN TRIBES.—In the case of a grant to an Indian tribe under section 101(a), the Secretary may reduce or waive any non-Federal share required by this section.

"SEC. 108. LIMITATIONS.

"(a) OBLIGATIONS IN A STATE.—Except for expenditures to Indian tribes, not more than 15 percent of the appropriations made for a fiscal year pursuant to this title may be expended in any one State.

"(b) OBLIGATIONS TO A PERSON.—The Secretary shall not obligate more than $4,000,000 in any fiscal year to any person (including any State or local government or public organization) for grants under this title, other than grants for establishment of qualified employee ownership organizations.

"SEC. 109. COMMUNITY DEVELOPMENT CORPORATIONS.

"(a) GRANTS.—The Secretary may make grants to community development corpora-

tions to assist small businesses by reducing the interest rates for economic development activities to be carried out by such businesses in areas meeting the distress requirements of section 104.

"(b) AGGREGATE AMOUNT.—The aggregate amount of grants under this section may not exceed $10,000,000 in any fiscal year.

"SEC. 110. OBLIGATION OF FUNDS.

"(a) BY MAY 31.—Not later than May 31 of each fiscal year, the Secretary shall obligate for grants under this title not less than 50 percent and not more than 60 percent of the funds appropriated for such fiscal year pursuant to this title.

"(b) BY SEPTEMBER 30.—Not later than September 30 of each fiscal year, the Secretary shall obligate for assistance under this title the remaining funds appropriated for such fiscal year pursuant to this title.

"SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title, to be available until expended, $200,000,000 per fiscal year for each of fiscal years 1993, 1994, and 1995. Not more than 25 percent of the amount appropriated pursuant to this section for any fiscal year shall be expended to carry out section 101(a)(2).

"TITLE II—INVESTMENT STRATEGY, PLANNING, EVALUATION, AND DEMONSTRATION

"SEC. 201. INVESTMENT STRATEGY AND PLANNING.

"(a) GRANTS FOR ECONOMIC DEVELOPMENT PLANNING.—The Secretary is authorized to make grants for economic development planning, including the preparation of development investment strategies under section 105 and the payment of administrative expenses, to—

"(1) any State,

"(2) any economic development district,

"(3) any Indian tribe,

"(4) any county if the jurisdictional area of such county meets the requirements of section 104 and is located outside of the boundaries of an economic development district, and

"(5) any other unit of local government with a population of 50,000 or more if the jurisdictional area of such unit meets such requirements and is located outside of the boundaries of an economic development district.

The Secretary is also authorized to make grants for preparation of a development investment strategy under section 105 to any unit of local government with a population of 100,000 or more if the jurisdictional area of such unit meets the requirements of section 104 and, in any case in which such unit is located within the boundaries of an economic development district, such unit consults the district in the preparation of the investment strategy.

"(b) COMPREHENSIVE PLANNING REQUIREMENT.—Planning carried out under this section shall be a part of a comprehensive planning process and shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

"(c) PREPARATION OF STATE PLANS.—Any State economic development plan prepared with assistance under this section shall be prepared by the State with the active participation of units of local government and economic development districts located in whole or in part within such State and shall set goals for economic development within such State.

"(d) ANNUAL STATE REPORTS.—Each State receiving assistance under this section shall submit to the Secretary an annual report on the planning process assisted under this section.

"(e) DISTRICT AND LOCAL PLANS CONSISTENT WITH STATE PLAN.—Any economic development planning by an economic development district or a unit of local government for which a grant is made under this section shall consider the State economic development plan for the State in which such district or unit is located.

"(f) COORDINATION OF RESOURCES.—Grants under this section shall be used, to the maximum extent possible, to provide coordination of investment for community facilities, economic development, manpower training, and transportation services.

"(g) ENCOURAGEMENT OF ASSISTANCE.—Each applicant for assistance under this section is encouraged to provide project planning, financial analysis, marketing, management, feasibility studies, and other technical and financial assistance to communities and neighborhoods within its boundaries.

"SEC. 202. EVALUATION AND DEMONSTRATION.

"(a) EVALUATION OF DEVELOPMENT INVESTMENT EFFORTS.—The Secretary is authorized to conduct a program of evaluation of Federal, State, and local development investment efforts in order to—

"(1) assist in determining the causes of unemployment, underemployment, severe economic adjustment problems, and chronic distress in areas and regions of the United States; and

"(2) assist in formulating, implementing, or improving programs at the National, State, or local levels which are designed to increase employment in private firms, assist depressed industry sectors, or otherwise promote economic development or adjustment.

"(b) DEMONSTRATION PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to conduct demonstration programs to test the feasibility of new ways to increase productivity and growth designed to make the steel industry and related industries more competitive, to encourage the use and development of innovative technology and research in economic development, to match the labor force with projected labor markets, to improve United States competitiveness, and to encourage economic diversity and regional balance.

"(2) REPORTS.—Not later than 90 days after completion of each demonstration program conducted under this subsection, the Secretary shall transmit to Congress a report on the results of such program.

"(c) ADMINISTRATION.—Programs authorized under subsections (a) and (b) of this section may be carried out by the Secretary acting through the staff of the Department of Commerce, in cooperation with or by the provision of funding to other departments or agencies of the Federal Government, or by contract.

"(d) GRANTS FOR MANAGEMENT AND TECHNICAL ASSISTANCE.—The Secretary is authorized to make grants to colleges, universities, and other organizations to establish and support ongoing programs which provide to businesses and units of local government management and technical assistance for the purposes of promoting productivity, economic development, and employment opportunity.

"SEC. 203. FEDERAL SHARE.

"(a) ECONOMIC DEVELOPMENT PLANNING.—The amount of any grant under section 201 may not exceed 75 percent of the cost of economic development planning or of the preparation of a development investment strategy.

"(b) MANAGEMENT AND TECHNICAL ASSISTANCE.—The amount of any grant under section 202(d) may not exceed 75 percent of the cost of establishing and supporting the ongoing management and technical assistance program.

"(c) DETERMINATION OF NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of costs under this section, the Secretary shall give consideration to all contributions both in cash and in kind, including space, equipment, and services.

"(d) INDIAN TRIBES.—In the case of a grant to an Indian tribe under section 201, the Secretary may reduce or waive any non-Federal share required by this section.

"SEC. 204. OBLIGATION OF FUNDS.

"Not later than December 31 of each fiscal year, the Secretary shall obligate for grants under section 201, 90 percent of the funds appropriated for such fiscal year pursuant to this title, other than those funds made available for purposes of section 202. The remainder of such funds shall be obligated during such fiscal year only for making grants under section 201 in areas meeting the criteria set forth in section 104(a)(3).

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title, to be available until expended, $50,000,000 per fiscal year for each of fiscal years 1993, 1994, and 1995.

"(b) LIMITATION ON AMOUNT FOR SECTION 202.—Of sums authorized to be appropriated under subsection (a) of this section, not to exceed $13,000,000 in fiscal year 1993 and not to exceed $15,000,000 in each of fiscal years 1994 and 1995 shall be available for purposes of section 202.

"TITLE III—ADMINISTRATION

"SEC. 301. DEFINITIONS.

"For purposes of this Act, the following definitions apply:

"(1) ECONOMIC DEVELOPMENT DISTRICT.—The term 'economic development district' means—

"(A) an economic development district designated on or before January 1, 1992, under section 403(a)(1) of the Public Works and Economic Development Act of 1965; and

"(B) any district within a State which is designated by the Secretary, which district is of sufficient size or population and contains sufficient resources to foster economic development on a scale involving more than one county and does not contain within its boundaries any part of another economic development district designated under subparagraph (A) or under this subparagraph.

"(2) JURISDICTIONAL AREA.—The term 'jurisdictional area' means the area over which a unit of local government has jurisdiction.

"(3) INDIAN TRIBE.—The term 'Indian tribe' means the governing body of an Indian tribe, an Indian authority or tribal organization or entity, an Alaska Native village, or any Indian group which is recognized as an Indian tribe by the Secretary of the Interior, except that the term 'Indian tribe' shall also include those bodies, authorities, organizations, entities, or groups not recognized by the Secretary of the Interior, if such body, authority, organization, entity, or group is recognized as a tribe or other similar appropriate entity by the State in which it is located and such State holds land in trust on behalf of such tribe or other similar appropriate entity.

"(4) QUALIFIED EMPLOYEE OWNERSHIP ORGANIZATION.—The term 'qualified employee

ownership organization' includes a qualified employee trust as defined in section 3(c)(2) of the Small Business Act, except that—

"(A) such term shall not be limited to plans maintained by small business concerns or to loans guaranteed under such Act;

"(B) in the case of any form of financial assistance, the principles of section 3(c)(2)(B) of such Act shall apply under regulations prescribed by the Secretary; and

"(C) there shall be periodic reviews of the role, in the management of the concern involved, of employees to whose account stock is allocated.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(6) SMALL BUSINESS CONCERN.—The term 'small business concern' means a business that is independently owned and operated, is not dominant in its field of operations, and meets such other criteria as the Secretary, after consultation with the Administrator of the Small Business Administration, may by regulation establish, including numbers of employees and dollar volume of business by industrial classes.

"(7) STATE.—The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

"(8) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"SEC. 302. APPOINTMENT OF ASSISTANT SECRETARY.

"The Secretary shall administer this Act with the assistance of an Assistant Secretary of Commerce, established by section 601 of the Public Works and Economic Development Act of 1965. Such Assistant Secretary shall perform such functions as the Secretary may prescribe.

"SEC. 303. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment. The Secretary may make provisions for such consultation with interested departments and agencies as he may deem appropriate in the performance of the functions vested in him by this Act.

"SEC. 304. ADMINISTRATION OF ASSISTANCE.

"No grant shall be approved under this Act unless the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"SEC. 305. POWERS OF THE SECRETARY.

"(a) LIST OF POWERS.—In performing his duties under this Act, the Secretary is authorized to do the following:

"(1) Adopt, alter, and use a seal, which shall be judicially noticed.

"(2) Hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary may deem advisable.

"(3) Request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act. Each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

"(4) Acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this Act.

"(5) Procure by contract the temporary or intermittent services of experts and consultants or organizations therefor as authorized by section 3109(b) of title 5, United States Code, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) in accordance with section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(6) Sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne, or final, shall be issued against the Secretary or property of the Secretary.

"(7) Establish such rules, regulations, and procedures as the Secretary may deem appropriate in carrying out the provisions of this Act.

"(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act (including subsection (a)(6)) shall be construed to except the activities under this Act from the application of sections 517, 547, and 2679 of title 28, United States Code.

"SEC. 306. CERTIFICATION.

"(a) ACCEPTANCE.—The Secretary may discharge any of his responsibilities relative to a project for which a grant may be made under title I of this Act by accepting a certification by the applicant of the applicant's performance of such responsibilities.

"(b) RESCISSION OF ACCEPTANCE.—Acceptance by the Secretary of an applicant's certification under this section may be rescinded by the Secretary at any time if, in the opinion of the Secretary, it is necessary to do so.

"(c) REGULATION.—The Secretary shall issue such guidelines and regulations as may be necessary to carry out this section.

"SEC. 307. SAVINGS PROVISIONS.

"(a) AFFECT ON PROCEEDINGS.—No suit, action, or other proceeding lawfully commenced by or against the Secretary or Assistant Secretary or any other officer in his or her official capacity or in relation to the discharge of his or her official duties under the Public Works and Economic Development Act of 1965 shall abate by reason of the taking effect of the amendment by section 103 of the Public Works and Economic Development Act Amendments of 1992, but the court may, on a motion or supplemental petition filed at any time within 12 months after the effective date of such amendment, showing a necessity for the survival of such suit, action, or proceeding to obtain a settlement of the questions involved, allow such suit, action, or proceeding to be maintained by or against the Secretary or Assistant Secretary or such other officer of the Department of Commerce as may be appropriate.

"(b) EXISTING REGULATIONS AND PROCEEDINGS.—All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, before the effective date of such amendment, by any agency, officer, or office pertaining to any functions, powers, and duties under the Public Works and Economic Development Act of 1965 shall continue in full force and effect after such effective date until modified or rescinded by the Secretary or such other officer of the Department of Commerce as, in accordance with applicable law, may be appropriate.

"SEC. 308. ANNUAL REPORT.

"The Secretary shall make a comprehensive and detailed annual report to Congress of operations under this Act for each fiscal year beginning after the year ending September 30, 1992. Such report shall be printed and shall be transmitted to Congress not later than February 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 309. PREVAILING RATE OF WAGE.

"(a) GENERAL RULE.—All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, commonly known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a–276a–5).

"(b) ASSURANCE.—The Secretary shall not extend any financial assistance under this Act for any project without first obtaining adequate assurance that the standards required by subsection (a) will be maintained upon the construction work.

"(c) FUNCTION OF SECRETARY OF LABOR.—The Secretary of Labor shall have, with respect to the standards required by subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. App.), and section 2 of the Act of June 13, 1934 (48 Stat. 948; 40 U.S.C. 276c).

"SEC. 310. RECORD OF APPLICATIONS.

"The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of each application approved for a grant under this Act, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant.

"(2) The amount and duration of the grant for which application is made.

"(3) The purposes for which the proceeds of the grant are to be used.

"SEC. 311. RECORDS AND AUDIT.

"(a) GENERAL RULES.—

"(1) RECORDS.—Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which—

"(A) fully disclose the amount and the disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

"(B) review the efficiency, economy, and effectiveness of the project carried out under this Act.

"(2) REPORTS TO SECRETARY.—Not later than January 11 and July 11 of each year, each recipient shall transmit a report to the Secretary containing all information prescribed under paragraph (1) which relates to all activities carried out during the preceding period relating to grants made to it under this Act. Each report submitted in January of each year shall include an audited statement of all funds spent on the project or undertaking during the preceding fiscal year. Such statement shall be prepared

in accordance with chapter 75 of title 31, United States Code, or agency regulations governing the audit of nonprofits.

"(b) ACCESS TO INFORMATION.—For the purpose of reviewing the efficiency, economy, and effectiveness of programs carried out under the provisions of the Act, including audit and examination, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of any recipient, subrecipient, contractor, or subcontractor that are pertinent to assistance received under this Act.

"SEC. 312. NONDISCRIMINATION REQUIREMENTS.

"In administering this Act, the Secretary may not—

"(1) discriminate in favor of or against any qualified applicant based on the fact that the area in which the project would be located is either rural or urban in character;

"(2) create separate allocations of funds to provide assistance for urban and rural areas unless such allocations are based on objective findings of relative levels of distress in areas qualified for assistance under this Act; or

"(3) deny assistance to a qualified applicant based on the fact that the project area is located in a State which has a low level of unemployment.

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for salaries and administrative expenses to carry out the provisions of this Act $26,000,000 per fiscal year for each of fiscal years 1993, 1994, and 1995. Appropriations under this Act shall remain available until expended. Any contract entered into pursuant to this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.".

SEC. 104. AMENDMENT TO TITLE IX OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Section 905 of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"SEC. 905. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title $50,000,000 per fiscal year for each of fiscal years 1993, 1994, and 1995.".

SEC. 105. AMENDMENT TO SHORT TITLE OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

The Public Works and Economic Development Act of 1965 is amended by striking "That this Act may be cited as the 'Public Works and Economic Development Act of 1965'." and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'National Development Investment Act'.".

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Appalachian Regional Development Act Amendments of 1992".

SEC. 202. FINDINGS AND PURPOSES.

Section 2 of the Appalachian Regional Development Act of 1965 is amended—

(1) in subsection (a) by striking the period at the end of the 6th sentence and inserting "and in severely distressed and underdeveloped counties and areas lacking resources for basic services."; and

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

"(c) The Congress further finds and declares that, while substantial progress has been made in fulfilling many of the objectives of this Act, rapidly changing national and global economics over the past decade have created new problems and challenges for rural areas throughout the Nation and especially for the Appalachian region. Thus, the problems of the region are not only to provide the infrastructure necessary to economic and human resource development, to develop its industry, and to generate a diversified regional economy, but to make the region's industrial and commercial resources more competitive in national and world markets. It is, therefore, also the purpose of this Act to provide a framework for coordinating Federal, State, and local initiatives to respond to the economic competitive challenge through improving the skills of the region's manpower, adapting and applying new technologies for the region's businesses, and improving the access of the region's businesses to the technical and financial resources necessary to their development while continuing to address the need to provide basic services for the more disadvantaged areas of the region so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across this Nation.".

SEC. 203. AUTHORIZATIONS FOR ADMINISTRATIVE EXPENSES.

Section 105(b) of the Appalachian Regional Development Act of 1965 is amended by striking the period at the end and inserting the following: ", and not to exceed $3,800,000 per fiscal year for each of fiscal years 1993, 1994, and 1995. Of amounts appropriated pursuant to the preceding sentence for each of fiscal years 1993, 1994, and 1995, not to exceed $1,300,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff.".

SEC. 204. EXTENSION OF LEASE TERMS.

Section 106(7) of the Appalachian Regional Development Act of 1965 is amended by striking "1982" and inserting "1995".

SEC. 205. HIGHWAY SYSTEM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 201(g) of the Appalachian Regional Development Act of 1965 is amended by striking the period at the end and inserting the following: "; and $144,000,000 per fiscal year for each of fiscal years 1993, 1994, and 1995.".

(b) FEDERAL SHARE.—

(1) GENERAL RULE.—Section 201(h)(1) of such Act is amended by striking "70 per centum" and inserting "80 percent".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to projects approved after March 31, 1979.

SEC. 206. DEFINITIONS.

(a) UPDATING OF COVERED FEDERAL GRANT-IN-AID PROGRAMS.—The first sentence of section 214(c) of the Appalachian Regional Development Act of 1965 is amended by striking "December 31, 1980" and inserting "October 1, 1996".

(b) LIMITATION ON COVERED ROAD PROJECTS.—The second sentence of such section is amended by inserting "authorized by title 23, United States Code" after "road construction".

SEC. 207. PROGRAM DEVELOPMENT CRITERIA.

Section 224(a) of the Appalachian Regional Development Act of 1965 is amended by inserting before the semicolon at the end of paragraph (1) the following: "or in a severely distressed and underdeveloped county or area lacking resources for basic services".

SEC. 208. REMOVAL OF LIMITATION.

Section 224(b) of the Appalachian Regional Development Act of 1965 is amended—

(1) by striking "(2) to finance" and all that follows through "(3)" and inserting "(2)"; and

(2) by striking "(4)" and inserting "(3)".

SEC. 209. MAXIMUM FEDERAL SHARE.

Section 224 of the Appalachian Regional Development Act of 1965 is amended by adding at the end the following new subsection:

"(d) MAXIMUM FEDERAL SHARE.—Notwithstanding any other provision of this Act, after September 30, 1992, grants made with funds authorized under this Act shall not exceed 50 percent of the costs of any project approved under this Act (except projects under section 201); except that, notwithstanding any limitation of any other Federal law, such grants may increase the Federal contribution to any project being carried out under such other law and eligible for financial assistance under this Act to such percentage as the Commission determines appropriate within the limitations of this Act. The Commission may increase the maximum percentage of a grant from 50 percent to not more than 80 percent of the costs of a project approved under this Act for a county which the Commission determines is one of the most distressed counties in the Appalachian region; except that the Commission may not increase such percentage for more than 25 percent of the grants made in any fiscal year.".

SEC. 210. GRANTS FOR ADMINISTRATIVE EXPENSES AND DEMONSTRATION PROJECTS.

(a) GENERAL RULE.—Section 302(a)(3) of the Appalachian Regional Development Act of 1965 is amended—

(1) by inserting after "technical assistance" the following: "(including technical assistance for business development and stabilization and application of technologies and productivity improvement)";

(2) by inserting after "training programs" the following: "(including on-site employee training and programs to upgrade employability of the region's people)"; and

(3) by inserting after "demonstrations" the following: "(including demonstrations of service consolidations and other methods of increasing efficiency of local governments, the establishment and operation by States, public agencies, or nonprofit development organizations of revolving funds for business assistance loans, the establishment and operation of business incubators and the provision of industrial facilities and equipment by public agencies and nonprofit organizations on such terms (including terms of reasonable recovery of grant funds upon resale) as are approved by the Commission, and the acquisition and development of land)".

(b) LIMITATIONS ON DEMONSTRATION GRANTS.—Subsection (b)(1) of such section is amended—

(1) by striking ", (3), or (4)," and inserting "or (4),";

(2) by inserting "or economic" after "energy"; and

(3) by striking the second sentence and inserting the following: "Funds in energy enterprise development loan funds established with grants previously approved by the Commission under this section may, upon approval of the Commission pursuant to section 303, after the date of the enactment of the Appalachian Regional Development Act Amendments of 1992, be made available for the purposes authorized in subsection (a)(3).".

SEC. 211. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Section 401 of the Appalachian Regional Development Act of 1965 is amended by adding at the end the following: "In addition to the appropriations authorized in section 105 for administrative expenses and in section

201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the Commission, to be available until expended, to carry out this Act, $37,500,000 per fiscal year for each of fiscal years 1993, 1994, and 1995.".

SEC. 212. DEFINITION OF APPALACHIAN REGION.

The 12th undesignated paragraph of section 403 of the Appalachian Regional Development Act of 1965, relating to Virginia, is amended—

(1) by inserting "Montgomery," after "Lee,"; and

(2) by inserting "Roanoke, Rockbridge," after "Pulaski,".

SEC. 213. EXTENSION OF TERMINATION DATE.

Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking "1982" and inserting "1995".

SEC. 214. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE COMMISSION.—If the Appalachian Regional Commission, with the concurrence of the Secretary of Commerce and the United States Trade Representative, determines that the public interest so desires, the Commission is authorized to award to a domestic firm a contract made pursuant to the issuance of any grant made under this Act that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Commission shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts made related to the issuance of any grant made under this Act for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitation for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Commission shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1993 and 1994 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement or an international agreement to which the United States is a party. The Commission shall also report to the Congress on the number of contracts covered under this Act (including the amendments made by this Act) and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SECRETARY.—The term "Commission" means the Appalachian Regional Commission.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. KOLTER] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in behalf of H.R. 4157 and urge members to support it.

As chairman of the Subcommittee on Economic Development, I am pleased to join my colleagues on the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs in bringing this bill to the House. I want to thank Chairman BOB ROE, and ranking member, JOHN PAUL HAMMERSCHMIDT, of the Public Works Committee, and HELEN DELICH BENTLEY, ranking member on the subcommittee, for their help and support on this issue and others that came before us.

This bill should be familiar to many of you. Title I strikes titles I through VIII of the existing Public Works and Economic Development Act and replaces them with provisions substantially similar to bills which overwhelmingly passed the House in the last five Congresses—by 340 to 82 in the 102d. It improves existing legislation and provides grants for new construction or improvement of public facilities as well as grants for revolving loan funds to assist business growth, for economic development and strategy planning, and for technical and management assistance. Titles VIII, IX and X of the existing law are retained.

Title IX, has long been one of EDA's most active and flexible programs. It provides economic adjustment assistance to help areas overcome long-term economic deterioration [LTED] as well as areas threatened or impacted by sudden and severe economic dislocation [SSED] such as military base closures, major plant closings, defense industry cutbacks, and natural disasters. In fact, EDA is currently operating under an agreement with the Department of Defense Office of Economic Adjustment using $50 million provided in the Defense Authorization and Defense Appropriations Acts of the last Congress specifically for defense-related adjustment activities. Funds were also recently made available in the Supplemental Appropriations Act for title IX assistance to States and local communities affected by Hurricane Andrew and Typhoon Omar.

Title II of H.R. 4157, amends the Appalachian Regional Development Act. It provides for the Appalachian Regional Commission's Development Highway System and the area development programs and adds three counties in Virginia to the legal definition of the Appalachian region.

Authorizations for the Public Works and Economic Development Act programs would be $300 million for each fiscal year 1993, 1994, and 1995 for development, planning, and economic adjustment programs and $26 million annually for salaries and expenses.

For ARC, annual authorizations for the 3 fiscal years would be $144 million for highways, $37.5 million for area development programs, and $3.8 million for administrative expenses.

Given the present state of our economy, the need is greater than ever for this Federal effort to assist disadvantaged rural and urban areas promote economic growth and help the private sector create new jobs. Also, as our economy increasingly is involved in worldwide markets, it is imperative that we pursue a variety of strategies to help all areas of the country become competitive in the global economy of the 21st century.

I urgently request your support in passing H.R. 4157.

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

□ 2250

Mrs. BENTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my first order of business this evening is to commend the gentleman from Pennsylvania for his leadership as chairman of the Public Works and Transportation Subcommittee on Economic Development during the 102d Congress, and for his help and hard work in drafting the legislation under consideration, H.R. 4157. I want to tell the gentleman from Pennsylvania how much I will miss working with him in the future. I also want to thank Chairman ROE and Mr. HAMMERSCHMIDT, ranking minority member of the full committee for their leadership and assistance.

Mr. Speaker, as the ranking minority member of the Subcommittee on Economic Development, I rise in support of H.R. 4157.

This legislation authorizes $276 million annually for the Economic Development Administration and $185 million annually for the Appalachian Regional Commission for fiscal years 1993, 1994, and 1995.

Both agencies were created by the Congress in 1965 to provide Federal assistance for economically distressed urban and rural areas throughout the United States, and, hopefully, to spur economic renewal and growth.

Our committee held 3 days of hearings on this legislation and heard testimony from various public and private

entities about the successes and continued need for these programs.

Mr. Speaker, EDA and ARC, and the programs these agencies administer, are the safety nets for many Americans in need—safety nets that remain in place despite efforts over the past 11 years to dismantle them.

EDA and ARC programs are positive initiatives designed to generate economic growth, generate jobs, and help improve the standard of living of those people living in the most economically depressed areas of our Nation.

As the subcommittee states in the report accompanying H.R. 4157,

> Given the present state of our economy and the future outlook, the need is greater than ever for a federal role to assist distressed urban and rural areas to promote economic growth and deal with a serious matter of national importance—namely, how to help the private sector create new jobs.
>
> Direct funding is required to get economic initiatives moving. Experience has shown that long-lasting economic development leading to creation to good paying jobs requires continual activity, a systematic building process based on a variety of strategies and the on-going planning and nurturing of many people and organizations.

Mr. Speaker, H.R. 4157 would enhance EDA and ARC programs designed to assist that process.

The Subcommittee and the full committee, I believe, has improved upon previous legislative efforts to reauthorize EDA and ARC, legislative efforts that overwhelmingly were passed by the House, but, unfortunately, died because of Senate inaction.

The bill amends the often-criticized current procedure of over-designating areas eligible for EDA assistance and it will target more closely economic development assistance to depressed areas.

Mr. Speaker, H.R. 4157 is an excellent bill—urgently needed by many communities throughout the Nation, and I strongly urge all of my colleagues to vote for this most critical piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

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

I rise in very strong support of H.R. 4157.

First of all, I want to commend the gentleman from Pennsylvania [Mr. KOLTER] and the ranking member, the gentlewoman from Maryland [Mrs. BENTLEY] for bringing this legislation to the floor tonight.

It is a program which I have been closely involved with for a great many years, and I really appreciate the persistence of the gentleman from Pennsylvania [Mr. KOLTER] in attempting to get this program reauthorized. It deserves to be. It has been a good program, one that I think has stood the test of time and should be reauthorized tonight.

I really sought membership on the Committee on Public Works and Transportation because of my interest in the Economic Development Administration and what I thought it really could do and had done to foster private sector employment in this country. In a former life, I served as the chief counsel of the Economic Development Administration and observed firsthand how the programs worked, the grant program, the Public Works Grant Program, the title 9 Program to address sudden and severe increase in unemployment in various areas.

Contrary to what some of my Republican colleagues in the administration felt, that it was not an effective program, I really observed how we have, in fact, with a very modest investment of Federal funds, been able to leverage a tremendous amount of private sector employment. That is what this is all about.

It really is one of the few programs, coupled with the Appalachian Regional Commission funds, it is really one of the few programs that we have at the Federal level anymore that is designed to foster private sector employment, which is what I thought we should be all about. So I think this is a good program.

As I say, I have seen firsthand how effective it has been in various titles. I think the fact that the gentlewoman from Maryland [Mrs. BENTLEY] alluded to, that one of the things that we were criticized for in EDA, which was that too many areas of the country were qualified for EDA assistance but were not really distressed areas, that once they were identified as what we called a development area, they never got disqualified, and even though they became affluent.

This bill takes care of that. It does recognize that areas can be assisted and should no longer be qualified for EDA assistance so that the money can be directed to those areas that really need it. So this is something that I have regretted for a long time, is that my own administration has been unwilling or unable to see the benefits that this program has brought.

I just commend both of my colleagues for bringing it to the floor tonight.

Mr. KOLTER. Mr. Speaker, I yield myself such time as I may consume.

I sure wish that if the hour were not so late I could join my colleagues from the other side in talking about the virtues of the EDA programs and the ARC programs. We could talk for hours.

However, time is late.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself such time as I may consume.

Before concluding, I want to thank and commend the majority staff, Carl Lorenz, Marty Downie, and John Ferrera, and especially Susan Fry and Bill Lally of the minority staff for their outstanding service and hard work.

Again, Mr. Speaker, I want to tell my chairman how much I enjoyed working with him.

Mr. ROE. Mr. Speaker, I would first like to pay my complements to JOHN PAUL HAMMERSCHMIDT of Arkansas, ranking member of the Committee on Public Works and Transportation, JOE KOLTER of Pennsylvania, chairman of our Subcommittee on Economic Development, and HELEN DELICH BENTLEY of Maryland, the subcommittee's ranking Republican member. This is the last time that I will work with these distinguished members on this important legislation and I commend them on their excellent effort on this bill.

As a former chairman of the Economic Development Subcommittee, I am quite familiar with the good works of the Economic Development Administration and the Appalachian Regional Commission which are reauthorized under this bill.

Mr. Speaker, I am sure that our colleagues have heard me speak on many occasions about the importance of investment in our Nation's public works. From such projects, our Nation derives immediate benefit from increased jobs and public facilities for our citizens, and long-term benefit from enhanced efficiency, productivity, and competitiveness. Reauthorization of these programs is especially important because the Economic Development Administration and the Appalachian Regional Commission direct public investment and job creation activities toward those communities which most desperately need them. H.R. 4157 continues authorization for these vital programs which were originally signed into law in 1965. During the past 27 years, EDA and ARC have improved the lot of millions of American citizens.

Title I of the bill, the National Development Investment Act, provides tools to local communities that need special assistance to resolve their economic problems. Under the Public Works and Economic Development Act, the Economic Development Administration has provided funding for distressed communities through construction, repair, and improvement of public facilities, revolving loan funds to assist small business creation and expansion, Employee Stock Ownership Programs to prevent economic displacement, technical assistance, and emergency relief for the victims of economic dislocation and natural disaster.

Title II reauthorizes the Appalachian Regional Commission in line with policies endorsed by the Appalachian Governors. The commission is a fine example of cooperation among the various levels of Government. It is comprised of the Governors of the 13 States within the region, and a Federal cochairman who is appointed by the President the administration supports funding for the ARC in its fiscal 1993 budget.

The commission has overseen the construction of 2,181 miles of the Appalachian Highway Corridor System which is authorized at a total of 3,025 miles. The corridor system is the most important aspect of attempts to diversify the Appalachian economy, attract new business, and improve the quality of life through-

out the region. The ARC has also provided support for business, civic, and communications infrastructure, waste and water treatment facilities, rural and primary health care facilities, educational consortia, and many other projects.

In addition to the obvious benefits of this program, Mr. Speaker, many of the jobs that are created will affect the construction industry, which has been one of those hardest hit by the current recession and by commercial overbuilding in the 1980's. Economists and construction leaders testifying before our committee this year estimated that, as a result of the commercial building glut, high double digit unemployment in the construction industry will continue for several years. Relief to this crucial industry will be a most important and beneficial side effect of these programs.

In conclusion, Mr. Speaker, although such programs as EDA and ARC have improved the lot of so many Americans, these difficult times require that we be ever more vigilant in supporting the economic strength of our Nation. These programs are crucial to our economy because they seek to address the chronic poverty and isolation which drain the resources of the Nation as a whole. Elevating the quality of life of these citizens will add to the prosperity of all Americans by making distressed communities, and therefore our country, more productive and more competitive.

Mr. HAMMERSCHMIDT. Mr. Speaker, once again we have a bill before us to reauthorize the programs of the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC].

Since 1965, these programs have provided the impetus for the revitalization of economically depressed areas across the country. Over the years, legitimate concerns have been raised about these programs, and the Public Works and Transportation Committee has worked diligently, and in bipartisan fashion, to address those concerns.

Several significant reforms are made by this bill. Authorization levels are considerably reduced from the peak levels of the late 1970's. Eligibility criteria have been narrowed so that limited funds are targeted to the most distressed areas, and consideration is directed to be given to those projects with the greatest potential for success. Long-term designations of distress are eliminated and replaced with a requirement for annual certification. Most importantly, the legislation requires comprehensive, coordinated planning between State and local governments in order to insure that long-term, successful economic development strategies are implemented.

H.R. 4157 also extends the highway and area development programs of the Appalachian Regional Commission, programs which have contributed significantly to economic improvement in one of the most economically depressed areas of the country. Meaningful gains in the region made over the years have been threatened by technological changes, an increasingly global marketplace, and the recent national economic slowdown. To forestall that threat, continued funding is provided for area redevelopment efforts, and for continued construction and improvement of the Appalachian Development Highway System, the system established to end the isolation of the Appalachian region.

While one can argue over various provisions of an EDA/ARC reauthorization bill, and over certain programmatic aspects, there really should be no argument as to the validity of needs in economically distressed communities throughout this country. The challenges facing those communities is quite varied. For some, economic improvement is limited because of crumbling public works infrastructure, while others have suffered the shock of losing major industries and hundreds or thousands of jobs. In addition, many areas across the Nation are facing economic upheaval because of the occurrence of major disasters or military base closures and defense industry cutbacks. For all of those areas, there is little hope for economic improvement without some measure of federal support.

H.R. 4157 represents an important effort toward providing the support needed by distressed communities. It authorizes $200 million a year over 3 years for grants for the construction, repair and rehabilitation of vital infrastructure facilities, as well as to create revolving loan funds to provide seed capital to stimulate the growth of small businesses. The bill also requires the development of comprehensive, long-term economic recovery strategies, and provides funding to aid the planning process. The active participation of the private sector, without whom true economic growth is impossible, is encouraged to the maximum extent. Finally, the title IX economic adjustment program, which has become increasingly important in providing both general and defense related economic adjustment assistance, as well as economic aid to communities recovering from disasters, is retained.

I would like to commend Chairman BOB ROE; our economic development subcommittee chairman, JOE KOLTER, and the ranking Republican member HELEN BENTLEY, for their leadership in crafting this legislation. The House has expressed strong support in the five previous Congresses for similar legislation, and I hope to see that support continued today.

Mr. MINETA. Mr. Speaker, I rise to express my strong support for H.R. 4157, A bill to reauthorize and amend the programs administered by the Economic Development Administration [EDA] and those of the Appalachian Regional Commission [ARC]. This bill is similar to those reported by the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs and passed by the House in the five previous Congresses.

Title I of the Bill, the National Development, Investment Act, provides assistance to encourage economic diversification, adjustment and development in economically distressed areas. It modifies, improves on and updates the programs currently administered by the Economic Development Administration. It helps local communities struggling to rebuild their economic resources and encourages active participation and coordination of the private sector and other public units in developing long-term strategies to deal with economic problems and create jobs.

Title II of H.R. 4157 reauthorizes funding for the highway and non-highway programs of the Appalachian Regional Commission. It provides the commission with the tools to address current challenges facing the region from changing national and international economies, to provide for basic needs of the region's most severely distressed areas, and to encourage regionwide investment that can promote economic growth and improve the standard of living of the region's citizens.

The bill provides authorizations for fiscal years 1993, 1994 and 1995. For the National Development Investment Act, annual authorizations would be $300 million for development facilities, planning and investment strategy and economic adjustment, and $26 million for salaries and expenses. For the Appalachian Regional Commission programs, annual funding would be $37.5 million for non-highway programs, $144 million for the development highway system programs and $3.8 million for salaries and expenses.

Authorizations for both these programs expired on September 30, 1982; however, funds have been made available each year since then through budget and appropriations measures. The authorization levels contained in this bill are considerably less than pre-1982 levels and that reflects the committee's concern about our Federal deficit problems.

At the same time, however, the committee is committed to maintaining a Federal role to help disadvantaged local areas bolster neglected infrastructure, undertake a variety of economic development projects and encourage this start up or expansion of small businesses that can create jobs.

Evaluations of existing programs received during committee hearings have provided convincing evidence that these regional and subregional development projects have served a national economic and social purpose. The Federal dollars spent have attracted other investment dollars from non-federal sources and the private sector and have been effective in helping the private sector retain and create jobs. The result is that more tax dollars have been returned to Federal, State and local treasuries than went out.

This legislation represents a positive approach to dealing with some of our Nation's most pressing problems. I urge your support to pass H.R. 4157.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of H.R. 4157, legislation to revise and extend the Public Works and Economic Development Act and the Appalachian Regional Development Act of 1965. The importance of this bill to businesses and communities in the Third District of Tennessee and around the country cannot be understated.

This bill allows funds to be directed towards projects and programs to assist communities in providing services, attracting new businesses and creating much needed jobs. In many cases, were it not for these programs, basic services in some communities would be severely limited. We must not turn our back on these areas and this bill allows us to address many of their problems head on.

I believe the Federal Government can be a partner with communities. Through these programs, the Federal Government can give smaller or economically distressed communities some support so they can take that first step towards productivity and economic stability.

If we want new directions for our economy, and our future, and most of us do, I am con-

vinced that our Nation must make investments that will pay real and lasting dividends. These programs are investments.

The projects that will be authorized through this bill create incentives and opportunities that are not otherwise available. Loan funds for business assistance, establishment of business incubators, community infrastructure projects, employee training, and many other programs that encourage and promote a strong and thriving economic community.

In these difficult economic times, we need the programs which this legislation supports now more than ever. I have seen and heard first hand the wonderful improvements and results that can be achieved through these initiatives and I am glad we have the opportunity before us today to continue this good work. I urge your support for this important piece of legislation. Thank you.

Mr. ROGERS. Mr. Speaker, let me first commend the authors for putting together this important legislation, and working to get it to the floor. I rise in support of this bill.

The EDA and the ARC help those pockets of the Nation which struggle to improve economically, but which face much tougher obstacles to self-sufficiency. The part of the Nation I represent—eastern Kentucky—remains isolated. We are still losing coal jobs in the mines, losing textile jobs in the cut and sew shops, and constantly working to replace those jobs with new opportunities. But in these areas, efforts to break out of generations of poverty are difficult at best.

EDA and the ARC have played essential roles in those instances where the cycle of poverty has been broken, where chances to prosper have been tapped, and where our hard work has paid off.

A small water line, funded by an EDA grant, can mean hundreds of jobs if it attracts a new company or plant. Revolving loans to dozens of small businesses have helped to build a business infrastructure in towns where none existed. EDA works. The proof can be found in my Kentucky district, and in many others across the country.

The Appalachian Regional Commission responds to like circumstances. The ARC region encompasses many straddled, poverty-stricken counties, in areas where redoubled efforts are needed on the part of all officials—Federal, State, and local—if our livelihoods are to improve. Like the EDA, the ARC programs give our communities and our local volunteers a chance to lift themselves up, with just a little assistance.

Here is an example where a shot in the arm from the ARC has made an incredible difference in the lives of our people. In eastern Kentucky, a high dropout rate remains in our schools. Education has suffered and with it the region. So we went to work to address the problem. With $50,000 in seed money from the ARC, local volunteers launched a major education improvement initiative that grew into a self-sufficient, multi-county organization. Five years from inception, it still exists, involving hundreds of volunteers, giving assistance to teachers and students, giving those who need it a jump start towards a high school diploma or an equivalency degree. Many who otherwise would have dropped out have stayed in, finishing their work, helping themselves and helping their home communities.

This is merely one example. There are many, many others. And the bill before us would produce many more. H.R. 4157 authorizes $300 million annually for EDA programs, ranging from public works grants to technical assistance. Title II of the bill authorizes $185.3 million annually for the Appalachian Regional Commission, for development initiatives and highway construction. Both programs have been funded over the years, absent authorization. But programs suffer, despite continued funding, when they remain unauthorized for extended periods. It is important to renew these missions, and the Committee on Public Works and Transportation has rightly done so in bringing this bill to the House.

I urge my colleagues to vote for this bill, and to provide the guts for structural change that our communities need for the decades ahead. Support H.R. 4157.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 4157, the reauthorization of the Economic Development and Appalachian Regional Commission programs. It is my hope, as it has been since 1982, that we can bring this bill to enactment and rely on it for future funding of these vital economic development programs, rather than continue to rely on the appropriations process.

I will note one thing of concern, and that is the authorization level for the ARC. The bill authorizes a spending level of $185 million for the ARC. In this year's Energy and Water Appropriations Conference Agreement, while we did not get an increase for ARC above fiscal year 1992's level, it was level-funded at $190 million for the coming fiscal year.

It was my hope that perhaps the authorization level would be increased to at least today's funding level of $190 million.

In the interest of time, I will quickly reiterate that the reauthorization of the EDA and the ARC is of utmost importance, particularly as we continue to try to climb out of the economic recession and continue our mighty struggle to create jobs and attend to our infrastructure's renovation and rehabilitation needs at the same time. It is timely and appropriate for us to take action to approve H.R. 4157 today.

This committee is to be commended, and I do commend it and its leadership, because it is the only committee that has acted quickly and strongly with anything remotely resembling jobs legislation throughout the 102d Congress, which encompasses the entire recession period. I say this in reference to our highway bill, our water resources and development legislation, and now this bill calling for continued funding authority for local economic development opportunities provided both under EDA and ARC. These are job-creating initiatives, and will help tremendously in helping put the unemployed back to work and put an end to the recession.

I commend our excellent chairman, BOB ROE and our ranking minority member JOHN PAUL HAMMERSCHMIDT for their leadership throughout this Congress and over all the years as they serve with distinction in their capacities as stewards of public works and transportation initiatives to serve our country.

I commend also our colleague, JOE KOLTER, for his perseverance in getting an EDA/ARC reauthorization bill to full committee markup, and we share with him the nostalgia of this last time he will be among us to preside over the Subcommittee on Economic Development, or on the floor of this body he has served so well. I was privileged to travel to Chairman KOLTER's district last year for a hearing on the ARC reauthorization, and to share with him and his constituency West Virginia's continuing need for ARC programs and funding, as one of the 13 Appalachian States, and to let them know that I understood Pennsylvania's needs as well. The people of Appalachia continue to live in those quiet, rural hamlets far from society's mainstream, on the land that they may not own, but which they love, in an area known to the world as the poverty pocket of the United States, but known to them as home.

I take my hat off to the leadership of our able chairman of the Subcommittee on Water Resources, HENRY NOWAK and commend his leadership too on behalf of water resources development and clean water initiatives over the years, for guiding one more, one last, Water Resources bill to the floor for enactment, and which passed last week by an overwhelming majority vote of 326 to 87.

Each of our departing Public Works chairmen will be sorely missed, but will remain in our hearts as personal friends and as chief architects of major legislation of urgent need and enormous human benefit in our States and congressional districts for many years to come. I thank each of you for your sense of fairness, your willingness to listen and to turn your attention to our individual State need. I commend your integrity, and your reliability, for even when you have to say no to some of our project requests, you have said no with all due respect for our position, and complete understanding of our diverse reasons for our position, and complete understanding of our diverse reasons for seeking your accommodation. Gracious to a fault, each of you have acted in ways which were all we could hope for from your respective chairs, and for which I have always been and will remain deeply appreciative.

I strongly recommend H.R. 4157 to my colleagues and urge that it passes.

Mr. MINETA. Mr. Speaker, this body considered and passed H.R. 4157, the Public Works and Economic Development Act of 1965, under suspension last Friday. The bill is an important one which authorizes programs for local economic adjustment strategies, including those for areas experiencing long-term economic deterioration and areas which are victims of sudden and severe economic dislocation. I wanted to emphasize a portion of the committee report which discussed the economic adjustment program being administered by EDA with funds made available through the Defense Authorization Act and the Defense Appropriations Act. The report urged EDA and the Office of Economic Adjustment to give consideration to using these funds in cases of military base closures where the land and facilities are being transferred for use by an educational institution.

Specifically mentioned in the report was Fort Ord which is located on the Monterey Peninsula in California. Of significance is the proposed use of some of the land and facilities at Fort Ord that will be available for transfer to

establish a comprehensive 4-year institution of public higher education. The California State University is proposing to use this site for the location of a 25,000 full-time student, residential campus with a central academic focus on the sciences and languages. Of critical importance to the establishment of such a campus is the transfer of not only the land and barracks to be converted into academic lecture and laboratory space, but the housing for conversion into dormitories and faculty residences. Without these facilities, especially the housing, the location of a campus on the Fort Ord property is not feasible or reasonable.

In order to develop the site and facilities to a point which would accommodate academic facility and housing requirements, these facilities would have to be brought up to code to meet current seismic, fire/life/safety and ADA regulations. Renovating, rehabilitating and converting these academic and housing facilities would have an economic impact on the local community through the purchase of goods and services, including the use of local skilled and non-skilled workers and the purchase of materials for construction. Even after the development and buildout stages, there will be considerable residual economic impact on the community.

It is important that as we move to close and downsize our military bases, we examine carefully the impact on the local community, and look to projects that present an opportunity to provide a relatively quick turnaround for use of the transferred property and facilities and have a strong potential to hold and retain the economic base of those communities. Establishing an institution of public higher education is one such project. We should be supportive of those efforts which have the potential of positively effecting the economic health of an area which is faced with the loss of a military base, and provide the resources necessary to assure that these projects achieve the anticipated positive results. Projects that have this kind of potential should not be ignored and should be the focus of the kinds of activities funded through the EDA with defense appropriations. I believe that with such a focus, the outcome can be nothing but beneficial to all involved.

Mrs. BENTLEY. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from Pennsylvania [Mr. KOLTER] that the House suspend the rules and pass the bill, H.R. 4157.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 2300

CHICAGO'S 1992 QUINCENTENNIAL COLUMBUS DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this year, on Monday, October 12, on the 500th anniversary of the discovery of America by the great Italian explorer, Christopher Columbus, the Joint Civic Committee of Italian Americans once again will sponsor the Chicago Columbus Day parade, the greatest patriotic parade in the city of Chicago, celebrating the 500th anniversary of the discovery of America by Christopher Columbus. The theme of this year's parade is: "A Tribute to Christopher Columbus—the Quintessential Explorer," and will emphasize the mingling of peoples, sharing of civilizations and emergence of new nations that took place in the Western Hemisphere as a consequence of Columbus' achievement.

This year we are delighted that film, television, and recording star, Frankie Avalon, will be joining us as the guest of honor. Other participants in the parade will include Mayor Richard M. Daley of the city of Chicago; Gov. Jim Edgar of the State of Illinois; Anthony Bottalla, chairman of the Quincentennial Columbus Day Parade; Dr. Stefano Cacciaguerra, Consul General of Italy; Hon. Jose' Maria deAristegui, Consul General of Spain; Dominic DiFrisco, president of the Joint Civic Committee of Italian Americans; Michael Coli, chairman of the board of trustees of Joint Civic Committee of Italian Americans; and many other civic and political dignitaries, as well as myself.

I understand that Mayor Daley will issue a proclamation next week, and Governor Edgar and President George Bush have already issued proclamations commemorating the 500th anniversary of the discovery of America by Christopher Columbus. The text of these proclamations follow:

COLUMBUS DAY, 1992

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A half-millennium ago, one man who dared to defy the pessimists and naysayers of his day made an epic journey that changed the course of history. That man was Christopher Columbus, and the account of his first voyage to the Americas provides us with timeless lessons about faith and courage in the face of the unknown, about the power of individuals to make a difference, and about the rewards of cultural and commercial exchange among nations.

Behind the larger-than-life legends that have evolved around Columbus is an ordinary, fallible man who achieved extraordinary, unforgettable things—and through qualities that any of us might well emulate today.

As with all progress, Columbus' great journey began with learning and hard work. Before he became a master mariner, Columbus was first a diligent student and deckhand who gained his knowledge and skills in Lisbon, then Europe's leading center of overseas exploration. Thus it was with both a strong foundation and a profound sense of higher purpose that Christopher Columbus set sail toward the horizon. If we are to continue to cross new frontiers today, we must not only cherish knowledge and learning, as did the peoples of the Renaissance, but also have faith and courage in the face of the unknown.

Although Columbus was slow to shrink from ridicule and adversity, he was quick to seize an opportunity; and when the Spanish monarchs Ferdinand V and Isabella I agreed to support his daring enterprise, this brave son of Genoa quickly readied the *Niña*, the *Pinta*, and the *Santa Maria* for their long ocean voyage. The story of Columbus is, therefore, a fitting prologue to our American narrative, for the history of the United States is filled with accounts of individuals who made a difference because they had the freedom, the opportunities, and the wherewithal to do so.

Columbus' first voyage to the Americas took just 33 days, yet it refuted centuries-old myths and transformed the lives of generations to come. The great encounter that was made possible by Columbus and his crew linked peoples on both sides of the Atlantic in a long and fruitful exchange of knowledge, resources, and ideas that continues to this day. Hence, on Columbus Day we celebrate both the rich heritage of America's native peoples and the development of the United States as a Nation of immigrants.

Finally, I am pleased to note that in many schools, teachers and students are planning to observe this Columbus Day with a special celebration of the 100th anniversary of our Pledge of Allegiance to the flag. Written in honor of Columbus Day a century ago, the Pledge has inspired generations of Americans to a greater love of country. As we celebrate the legacy of Columbus and the diverse cultural heritage of the United States, it is fitting that we also recall our many blessings—and responsibilities—as "one Nation, under God, indivisible, with liberty and justice for all."

The Congress, by joint resolution of April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

Now, therefore, I, George Bush, President of the United States of America, do hereby proclaim October 12, 1992, as Columbus Day. I encourage all Americans to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day.

In witness whereof, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH.

PROCLAMATION

Whereas, Christopher Columbus and other distinguished Italians have played a significant role in the growth of civilization; and

Whereas, the strong traditions and rich culture of our Italian-American citizens are recognized by many Americans; and

Whereas, Italian-Americans have contributed greatly to Illinois' arts, politics, sports, and socioeconomic life; and

Whereas, in October, the Joint Civic Committee of Italian Americans (JCCIA) will celebrate Italian Heritage Month with a variety of activities, including a parade on October 12;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as Italian Heritage Month in Illinois.

Mr. Speaker, Chicago's Columbus Day celebration will begin at 10 a.m. with a concelebrated mass at Holy Name Cathedral, 730 North State Street, Chicago. Arrangements for this year's mass have been made by the Reverend Lawrence Cozzi, C.S., chairman of the religious program and organizations committee, and Rev. Donald Craig. The main celebrant will be His Eminence The Most Reverend Joseph Cardinal Bernardin, Archbishop of Chicago.

Concelebrants at the mass will include: Rev. Lawrence Cozzi, C.S., administrator of Scalabrini Village, the Italian American Old Peoples Residence in Northlake, IL; Rev. Nicholas Marra of St. Lucy's Church in Chicago; Rev. Vincent Zarlenga of St. Vincent Ferrer in River Forest, IL; Rev. John DiVita, Our Lady of Pompeii Church, Chicago; Rev. Gino Dalpiaz, director, Italian Cultural Center, Stone Park, IL; and Deacon Frank DeVita, Divine Providence Parish, Westchester, IL.

An introduction before the mass will be given by Theresa Petrone, the coordinator of this year's parade and the cochairperson of the programs and arrangements committee.

Lectors will be JoAnne Spata, president of the JCCIA women's division and Naomi Serpico, president of the JCCIA west suburban women's division. Prayer of the faithful will be offered by Norman Boccio and Ben Affetto. Lori Ardito, president of the JCCIA young adult division, will be the commentator.

Norman Boccio will be the carrier-of-the-cross, and members of the offertory procession will include Lisa M. Amendola, Melrose Park, IL, queen of the Columbus Day parade; Phil Sciacqua, who will portray Christopher Columbus in this year's parade; Marie Palello, executive secretary of the JCCIA and chairperson of the bands, marchers, transportation, and floats committee; Marge Porcelli, secretary of the JCCIA and Mary Spallitta, chairperson of the authentic Italian costumes committee.

Music will be provided by the Holy Name Cathedral choir. Serving as ushers will be Nick Bianco, John DeBella, Michael Palello, Lawrence Spallitta, and Ron Onesti. The Fourth Degree Knights of Columbus will serve as the honor guard, including Michael Gill, master, fourth degree, and Joseph Nardi, admiral, LaSalle Assembly.

The 2-hour parade will step off at Dearborn and Wacker Drive in Chicago at 12:45 p.m. It will be televised live by WGN–TV, channel 9, and via delayed telecast by WLS–TV, channel 7, from 1 to 2:30 p.m. on October 18. Narrating the telecast for WLS–TV will be MaryAnn Childers and Jim Gibbons, and narrating for WGN–TV will be Tom Skilling, meteorologist, joined by Dominic DiFrisco, president of the JCCIA and Theresa Petrone, vice chairman of the board of trustees of the JCCIA. Both this year are also serving as chairpersons of the program and arrangements committee.

Over 200 floats, bands and marching units will participate in this gala celebration. Included in this group will be: Fort Sheridan Army Band, Great Lakes Training Center Navy Band, Alden Hebron HIgh School and Middle School Band, American Flag Coalition Marchers, American Indian Center Marchers, Amundsen Youth Motivation Band and Marchers, Bloom Trail High School Band, Bolingbrook High School Band, Boy Scout Troop 63—Drum and Bugle Corps, Bridgeview Starlets Baton Marchers, Brother Rice High School Marching Crusaders, Carl Sandburg Tiger Band, Cass Junior High School Marching Band and Flag Corps, Channahon High School Band, Chicago Amerital Unico Marchers, Clinton Junior High Marching Band, Connie's Pizza Marchers, Christopher Columbus Elementary School Marchers, Crystal lake South Marching Band, Curie High School Marching Band, Doll Horse Training Stable Costumed Riders, Duconia DuPage County Italian American Club Marchers, Englewood All Star Gladiators, Fastbreak Freestyle Trick Team, Flashie the Clown and Flashie, Jr., Friends of Aurelia Pucinski Marchers, Flirtette Twirlers Baton Corps, Fremont School Marching Band, Gioia and Rosary College Italian Club Marchers, Grimmer Middle School Band, Holy Cross Crusader Band, Hinckly Big Rock Marching Royals, Hubert H. Humphrey Middle School Band, Independence Junior High Patriots Band, Italian-American Labor Council of Greater Chicago Marchers, State of Illinois Italian-American War Veterans and Ladies Auxiliary Color Guard and Marchers, Italian Catholic Federation Marchers, Italo American National Union Marchers, Italo-American Soccer Club—Maroons and Ladies Club Marchers, Jane Addams Middle School Band, Joliet Central High School Band, Justinian Society of Lawyers Marchers, Lithuanians of America Marchers, Lakeview Betterment Club Marchers, Lane Technical Marching Band, Lincoln Park High School Marching Band, Lockport Township High School Band, Lucchesi Nel Mondo Association Marchers, Maine South High School Italian Club Marchers, Mariners Black Sheep Squadron Color Guard, Marist High School Redskin Marching Band, Marshall Lindsey Dancing Majorettes, Mazzini Verdi Club Marchers, McHenry Warrior Marching Band, Mokena Junior High School Marching Meteors, Mother Theodore Guerin High School Italian Club Marchers, Monico's Marchers, NAS Glenview Color Guard, Near Northwest Civic Committee Boy Scout Troop 59, New Frontier of Culture Band, Italian Club Notre Dame High School for Girls Marchers, Norwegian National League of Chicago Marchers, Oak Lawn Community High School Marching Band, O'Quinn Gladiators, Plano High School Cheerleaders, Porter Township High School Band, Prospect High School Italian Club, Puerto Rican Congress of Mutual Aid Marchers and Dancers, Queen of the Universe Marching Band, Resurrection High School Marchers, Riverside Brookfield High School Band, Rogers High School Raider Marching Band, St. Francis Borgia Baton Corps, St. Joseph Men and Women's Auxiliary Marchers, Saints of Soul Community Youth Band, St. Lawrence Queen of Peace High School Band, Shabbona High School Marching Band, Spanish Association of the Midwest, South Shore Drill Team, Somonauk Marching Bobcats, Springfield High School Marching Band, TNT Marching Band, Troy Junior High Marching Band, Warrior Marching Band, World Apostolate of Fatima—Blue Army U.S.A.—Marchers, Giochi I. Della Gioventu Marchers, Oak Park River Forest High School Italian Exchange Students from Italy, Blue Knights Law Enforcement Motorcycle Club, Elston High School Band, Chicago Vocational High School Band, J.J. McCarthy Reserve Center 4th Marine Division Color Guard.

Other floats will carry members of the Italian-American community wearing traditional costumes from various regions in Italy, coordinated by Mary Spallitta, chairman of the costume committee. In addition, featured in the parade will be Phil Sciacqua, portraying Christopher Columbus, and Angela Petrone, portraying Queen Isabella of Spain.

Congressman MARTY RUSSO, past parade chairman, will serve as grand marshal of the parade, and Louis Rago will serve as parade marshal. Other chairmen and cochairmen include: Pat Naples, chairman of the quincentennial committee; Ann Sorrentino, chairman of the quincentennial cuisine culture committee; Rev. Lawrence Cozzi, C.S., chairman of the religious program.

The television sponsors of this year's parade include: Ferrara Pan Candy Co.; Hilton Hotel Corp.; Alitalia Airlines; American United Cab Co.; Commonwealth Edison; Joe Gentile Chrysler Plymouth; Dominick's Finer Foods; Anheuser Busch, Drury Lane, Oakbrook; American Airlines, and Celozzi-Ettleson Chevrolet dealers.

One of the highlights of the Chicago Columbus celebration is the selection each year of the queen of the parade. Judged on her beauty, poise, and personality, Lisa M. Amendola was chosen to reign as this year's Italian-American community queen. Members of the queen's court include: Rosa Blasi, Mount Prospect, IL; Lisa Marie Chesters, Hanover Park, IL; Ann Helene De Julio, Chicago, IL; Dina Marie Fazio, Elmwood Park, IL; Tara Fonsino, Arlington Heights, IL; Paula Piazza, Chicago, IL; and Elena Ventrella, Addison, IL.

The chairman of the queen's contest is Joseph Bianco. Judges for the contest include: Carlo Beninati, portrait painter; Gloria G. Coco, associate judge of the Circuit Court of Cook County; Maria Paonessa, owner of Maria Paonessa Salon 2000; Gianpaolo Borgna, regional manager, Central USA, passenger division for Alitalia Airlines; Dave McBride, news director for station Q–101; Rose Becker, president and owner of Mother/Daughter Fashion Design Team, and Rosemarie Andolino, 1988 Italian-American queen for the Columbus Day parade. Prizes for the 1992 queen are a roundtrip to Italy donated by Alitalia Airlines; a $1,000 cash award given by the Joint Civic Committee of Italian Americans; a $250 cash award given by Greater Chicago UNICO; a wrist watch donated by Metro Sales, an oil portrait donated by Carlo Beninati; a gift certificate from Chicago to Chicago, River Forest, IL; a scholarship to John Paris Modeling School; an alligator briefcase donated by Theresa Petrone; and a beauty treatment donated by the Maria Paonessa Salon 2000.

The Joint Civic Committee of Italian Americans, under the able leadership of its president, Dominic DiFrisco, chairman of the board of trustees, Michael Coli, and executive director, Fred Randazzo, is comprised of more than 65 Italo-American civic organizations in the Chicagoland area and sponsors the Columbus Day parade and related activities. Founded in 1952 to fight prejudice and discrimination toward Italian-Americans, the Joint Civic Com-

mittee of Italian Americans has grown over the past four decades into a formidable organization for addressing the broad social, cultural, and educational concerns of more than one-half million Italian Americans living in the metropolitan area of Chicago.

The quincentennial Columbus Day celebration will close with a reception at the Como Inn Restaurant in Chicago at 3:30 p.m., in honor of the guests, the officers, the committee chairmen, and members who are participating in making the 1992 quincentennial Columbus Day parade a monumental success.

On this 22d celebration of Columbus Day as a national legal holiday, as the honorary parade chairman of the quincentennial Columbus Day parade, I would like to take this opportunity to commend the members and officers of the Joint Civic Committee of Italian Americans for their outstanding efforts in making this year's quincentennial Columbus Day parade a memorable and exciting event.

The officers and members of the 1992 Columbus Day parade committee are as follows:

1992 COLUMBUS DAY PARADE COMMITTEE

Columbus Day Parade Committee: Anthony Bottalla, General Chairman; Congressman Frank Annunzio, Honorary Chairman; Congressman Marty Russo, Grand Marshal; Louis Rago, Parade Marshal.

Special Assistants to the Chairman: Fred Bartoli, Mike Epifanio, Dominic Gobel, and Mike Coli.

JCCIA Officers; Dominic DiFrisco, President; Fred Mazzei, 1st Vice President; Thomas C. Baratta, 2nd Vice President; Pat Naples, 3rd Vice President; Joe Annunzio, 4th Vice President; Emil Venuti, 5th Vice President; Ken Kolnicki, Treasurer; Tena Amico, Secretary; Lawrence Spallitta, Sergeant-At-Arms; Fred V. Randazzo, Executive Director; and Rev. Lawrence Cozzi, C.S., Chaplain.

Board of Trustees: Michael Coli, Chairman; Congressman Frank Annunzio, Vice Chairman; and Theresa Petrone, Vice Chairman.

Executive Committee: Leonard Amari, Laurie Ardito, Richard Caifano, John Coli, Rev. Gino Dalpiaz, C.S.; Carl DeMoon, Anthony Fornelli, Sam Garnello, Pat Pavini, Theresa Petrone, Charles J. Porcelli, John Serpico, Naomi Serpico, and JoAnne Spata.

Women's Division Officers: JoAnne Spata, President; Mary Ann Ciolfi, 1st Vice President; Gina Scafani, 2nd Vice President; Tomasina Perry, Recording Secretary; Marie Palello, Corresponding Secretary; Priscilla Laino, Treasurer; and Judi Guzaldo, Advisor.

West Suburban Women's Division Officers: Naomi Serpico, President; Mary Conti, 1st Vice President; Rose McVittie, 2nd Vice President; Libby Hannigan, Treasurer; Dolores Sennebogen, Secretary; Ann Sorrentino, Corresponding Secretary; and Lilia Juarez, Advisor.

Young Adults Division Officers: Lauri Ardito, President; John Peluso, Treasurer; Joe Panzica, Secretary; and Lynn Gigliotti, Corresponding Secretary.

Quincentennial Committee: Pat Naples, Chairman.

Chaplain: Rev. Lawrence C. Cozzi, C.S.

Theme Coordinator: Theresa Petrone.

Religious Programs and Organizations: Rev. Lawrence C. Cozzi, C.S., Chairman; Linda Piatkiewicz, Nick Bianco, Mike Palello, Lawrence Spallitta, John DeBella, and Ron Onesti.

Quincentennial Cuisine Culture: Josephine Bianco, Chairman; Anita Louise Bianco, Marie Palello, Margaret Porcelli, Theresa Petrone, Mike Palello, JoAnne Spata, Fred Randazzo, Marilyn Fredericks, and Nick Bianco.

Authentic Italian Costumes: Mary Spallitta, Chairman; Lilia Jurez, Elena Frigoletti, and Tena Amico.

Finance and Souvenir Book: Margaret Porcelli, Chairman; Marie Palello, Co-Chairman; and Angeline Annunzio.

Floats, Bands, and Marchers: Marie Palello, Chairman; and Margaret Porcelli, Co-Chairman.

Float Personnel: Lawrence Spallitta, Chairman; and Norman Boccio, Co-Chairman.

Television Sponsors: Michael Coli.

Parade Marshals: Louis Rago, Chairman; Mike Palello; Nick Bianco, John De Bella, Neil Francis, and Commander Ettore DiVito.

Reviewing Stand Commentators: JoAnne Spata, Lori Ardito, Robert Allegrini, Mark Farina, and Joe Annunzio.

Staff Photographer: Sam Bruno.

Public Relations: Fred Randazzo.

TRIBUTE TO SERGEANT MAJOR C.A. "MACK" MCKINNEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, C.A. "Mack" McKinney is retiring from his position as Legislative Counsel for the Non-Commissioned Officers Association of the United States of America. I want to pay a well-deserved tribute to Mack for his many years of dedicated service.

I had occasion recently to reexamine Mack McKinney's biography. I never realized it before, but in one way or another, Mack has spent his entire adult life either in or working for the Military.

Born in Indiana, in 1925, he entered the U.S. Marine Corps in 1942, at the height of the Second World War. After graduating from Radio Operators School, he saw action in the Pacific theater where he participated in the invasions of the Marshall Islands and Okinawa.

Following the war, Mack had a succession of assignments, each entailing greater and greater responsibility. Among these were his assignment as the first chief of Military Police of the newly opened Marine Corps Training Center, 29 Palms, CA in 1952. Thereafter, he was promoted to Master Sergeant and was given a succession of First Sergeant assignments at ever larger commands. Somehow, in between these assignments, he found time to get married, become a Grand Knight of the Knights of Columbus, and serve both the Corps and his community in a variety of positions.

During the Vietnam war, Mack served as the camp Sergeant Major of 4th Logistical Command, Red Beach in South Vietnam.

Following the war, he was assigned as station manager of the Marine Corps recruiting station, San Antonio, TX. It was in Texas that he first became actively involved with the Marine Corps League. There, through his efforts he would reestablish the league's presence, would be elected chairman of its national convention and its first department of Texas Commandant.

In September 1971, Mack retired from his beloved Marine Corps and commenced his second career as Legislative Director of the Non-Commissioned Officers Association [NCOA]. He was responsible for opening the association's first Washington office in Arlington, VA and eventually guided the association's efforts on Capitol Hill where he inaugurated the now famous NCOA Congressional reception.

In his role as Legislative Director of the NCOA, he became the voice of the enlisted person to Congress. His testimonies in over 100 hearings had a profound effect on how Congress viewed enlisted personnel in all services. Among his major accomplishments in this role were his efforts to secure passage of a home loan program that restored eligibility to veterans when they purchased second or subsequent homes; the successful fight for enlisted separation pay, an 18 year effort which finally bore fruit in 1991; and, his efforts in securing passage of much needed changes to the survivor benefit program and CHAMPUS. Perhaps the greatest accomplishment came in 1981 when Congress was convinced to pass a targeted military pay raise focused on the top three enlisted grades to relieve the compression in the pay tables.

Through his stewardship, the Non Commissioned Officers Association played a vital role as staunch advocates of legislative initiatives to maintain readiness and improve the quality of life for all members of the military community—active, reserve, and retired, plus their families and survivors.

In recent years, Mack played an active role in guiding the legislative efforts of the military coalition, a nationally recognized group of 24 military organizations representing some 3½ million people. I won't describe all of his accomplishments in this role, but will briefly focus on the few to illustrate the breadth of his concern for military members. He forcefully supported strengthening the underpinning of the Montgomery GI Bill and thus provided a solid foundation for our Nation's future leaders by providing the opportunity for a college education for more than 1 million young men and women who otherwise might have been denied that opportunity. Mack was ever mindful of the adverse effects on morale and retention caused by broken commitments and inadequate compensation. He always stood up for and championed the causes of fairness and equity. His leadership efforts to defeat the imposition of user fees in military health care facilities, to preserve COLAs and to provide adequate military pay raises for all personnel are especially noteworthy. Most recently, he fought for and helped win the battle for a transition plan that provides a benefits package for those personnel and their families who are prematurely forced out of active service as a result of the dramatic force drawdown presently underway.

I am sure you will all agree, the word leadership is often applied to those who

do not deserve it. In Sgt. Maj. Mack McKinney's case, just the opposite is true. He has been, in every sense of the word, a leader: in the Marine Corps, the NCOA, the Marine Corps League, the Military Coalition and the entire active and retired community. Our wishes go with him and his wife, Rosemarie, for an active retirement and continued success. From this Army man to a Marine's Marine—Semper Fi, Mack!

THE ROLE OF THE PRESIDENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, by way of letting people who follow the electronically covered proceedings of this House know something about the Congressman that is going to be addressing them for the better part of this hour, let me say something about when the gentlemen from New York [Mr. OWENS] and I first crossed paths, and what an honor it is to be speaking on this floor and seeing you before me at a little higher level, the way I watched you when I was 30 years of age and you were 29, speaking in front of the Lincoln Memorial preceding Dr. Martin Luther King, Rev. Dr. Martin Luther King, on August 28, 1963.

It is amazing how we meet or see people in life and our paths come to cross again. I never dreamed I would have the honor of serving with you in this distinguished body. I slept out in that parking lot in August 1954, 9 years before I saw you give a stirring address as a dedicated young civil rights worker, trying to change the history of our beloved country, and I would say to the gentlemen that he certainly did.

When I was out in that parking lot at 21 years of age, midway between my T-6 pilot training at Bartow, FL, and going to jet school at College Station in Brian Air Force Base, a base that was built to serve the great Texas A&M Aggies that were going into World War II at a tremendous rate, I swore out in that parking lot to my three friends, one of whom died giving his life for his country in Vietnam, that I was going to return here some day as a U.S. Congressman.

That great march in August 1963 was about the most upbeat I have ever felt about my country and its potential for the future. I was there out of respect for the fighter pilots that I had flown with who were of African-American descent: the man who checked me out on F-100's, Bill Wilson, who is now a medical doctor somewhere in this country, and went through medical school. He was from Ohio, as I recall. Ed LaBelle, who flew in the 21st Squadron next door under jet ace Steve Bittinger, who I mentioned last night is following these proceedings of the House and my special orders.

I just want to tell the Members a story that happened later in the year that maybe will help people understand the incredibly high esteem that I have for the office of President of the United States.

When President John F. Kennedy was shot, I was home writing a screen play about the first Americans that were in Vietnam. My screen play was called, "The Thirteenth Marine," and then the 82d Marine. I was going to make him a man from the 82d Airborne who was the 82d man killed in Vietnam.

When it came over the television that President John F. Kennedy, who had restarted the Green Berets, had been killed, there was a short wait and then it was announced that he was killed, I was living in Westwood, CA. I went across the street and made a visit in church, prayed that somehow or other I was hearing an insane Martian landing type broadcast.

I went over and told the sister superior of the grade school where all five of my children were in attendance then, and then came back to the house, and shed many tears. My wife was working as an actress on a movie set. They shut down the set. She came home, watched television all that night. My agent and good friend, Michael Patrick Casey, called me and said, "Why don't we go back to Washington, DC?"

We did, together, We scraped together the one-way fare. He took a bus home. I hitchhiked home on Air National Guard airplanes as an officer. I wore my Captain's uniform, winter blues. It was the first time I had come back to Washington since that march on Washington that you and I were at, Mr. Speaker.

I could not believe what I was witnessing. In front of the White House we waited. The drums began to roll. The President's body came out on the catafalque in the same carriage that had carried Abraham Lincoln more than a century before, almost a century before, and I was standing in front of that White House.

I remember a black family was next to us. The father was holding his little 2-year-old up. His 3-year-old son could not see. I picked him up, put him on my shoulders, and I tell the Members, that memory is burned in my brain more beautifully than any blow-up of any color photograph in my life, standing there in my Air Force uniform with that young black son of that American family next to me, holding him so he could see the President's casket go by.

I said goodbye to the family, ran up on foot to St. Matthew's Cathedral, where my middle daughter was married to Richard Koben that New Year's Eve of 1979, and I cried through that ceremony, cut out of the church early with Michael Patrick Casey, followed the casket across Memorial Bridge, worked our way up around to the burial site of President John F. Kennedy, and I said to my friend, "Mike, I want you to go over and busy those Secret Service people. I want to move out on that knoll so I can see this and remember it the rest of my life."

I moved out on the knoll. I could hear this little controversy behind me when they turned around and saw what I had done. Then these agents started to come out toward me. Just then the music began to play the Star Spangled Banner slowly. I came to attention, saluted, and then they let me alone.

When all of the Members of the then-Congress passed by, and the U.S. Senate, the Supreme Court judges, there was a handsome, tall, spit-and-polished Green Beret colonel who was in command of the honor guard at the funeral. He looked around. The official people had all passed by, and he turned to America and pulled his heels together smartly, and he made a sweeping gesture with his arm, like the gravesite is open to the Nation.

I was the closest person to him on that knoll on the north side of Arlington. I moved down and I, Mr. Speaker, was the first American citizen, other than the official party of the Congress of the United States, the Cabinet, and the Supreme Court Justices, to stand in front of President John F. Kennedy's grave, because I was a Roman Catholic and proud of him as our first Catholic President.

I knelt down, said an Our Father, a Hail Mary, a Glory Be, and a small prayer to St. Joseph, the guardian of families. I blessed myself, stood up, gave what I hoped was the best salute I have ever given in my life, took a step back, and left that scene.

The night before I had gone through a long wait to come into the rotunda and see the President lying in state with a sharp young Coast Guardsman, Marine, Navy, Air Force, Army men in honorable attendance. It took me 2½ hours with Mike to get through that line. When I went through it was like a dream. I was in a daze.

I said, "Michael, I am going to do something. I am going to jump the line here and go through this again," because again, I was in my Air Force captain's uniform and I was able to get through the line a little more quickly the second time. I slowed my mind down and my life down so I could memorize those images of President Kennedy lying where Douglas MacArthur would lie less than a year later, where other Presidents have lain there since; our own Claude Pepper, at almost 89 years of age; where Lincoln had lain in state; all of these great men.

It is because of my utter deep, deep feeling about the importance of the office of the presidency of the United States and the spiritual aspects of this role model, our President, the leader of the free world, the Commander-in-

Chief of all of our young men and women called upon to give their lives in a moment's notice, that I come to this well night after night, keeping these wonderful people here late after a long and tough day and apologizing to them now, and begging their forbearance, because we are going to be adjourning in a few days and I just must discuss the importance of this presidency and why I feel exactly like Colonel Holmes, Eugene Holmes, in that letter released to the press September 7 of last month and virtually ignored coast-to-coast except by a few conservative groups here and there, ignored in the main by all the electronic media when Colonel Holmes said that this young man who had sat in his living room for 2 hours and deceived him by not telling him, not telling Colonel Holmes that he, young Bill Clinton at age 23, had been arranging demonstrations in Washington, DC, here for the Moratorium Committee in 1969, the summer thereof.

□ 2310

That he had used a ruse involving a created naval officer's commission the year before to get to go off to graduate school when there no longer was a 1-D deferral for graduate school, and then arranged demonstrations in England during his first year when he actually went to class, and that he intended to go back and arrange demonstrations in England, a foreign country that was sending his merchant marine ships that they could not control carrying supplies to help shoot down our airplanes, kill our men in the jungle, and slaughter women and children in villages up and down South Vietnam, Laos, and Cambodia. He did not tell Colonel Holmes what he planned to do in England. He certainly did not tell him that he planned to do a sweep of European cities, including Oslo where we have him established to be on December 12, and Moscow where his own staffers down there in Arkansas, in between lying and saying he never went to Moscow, and they are now admitting dates. His guru, a lady who has been his constant associate and chief of staff when he was governor, and who has now taken over as chief researcher, but that really means she is the last word and who organized east Texas with Governor Clinton back in 1972 for Senator McGovern running for the presidency, this lady called up to New York and at 7:30 in the morning from Arkansas to talk to my former colleague, Ed Koch, and to tell him that I was making up things, and distorting facts.

So before I turn this special order over to a U.S. Air Force colonel who spent almost 7 years in Hanoi, and who was severely tortured, and who spent between 3½ and 4 years in solitary confinement without ever seeing the face of another American, I just want to set the record straight for people who may be tuning in tonight for the very first time, Mr. Speaker, and I want them to know this, that when his campaign senior staff says that I am making up things, and I have no documentation, let me talk about four dates here.

October 15, 1969, Clinton, exactly half of his 46 years, then 23, organized antiwar demonstrations in London, England. One footnote. Ed Koch joined the Army when he was 18, just like George Bush. George Bush was born on June 12, 1924 and Ed Koch was born on December 12, 1924, precisely 6 months younger than George Bush, and they both joined at 18. Ed Koch, while he was still a teenager, wore the three stripes of the Army sergeant in combat in Europe, and he was out of the Army at 20 years of age. Actually the war was over while Ed Koch, former Member of Congress, former mayor of New York City for three terms, was still a teenager. I wonder if Ed Koch, and I am going to ask him this in the morning if he will have the decency to put me on his show, and I know he will, he is a straight shooter, and I am going to ask him, "Ed, did you feel like a man at 19," having led several platoons of men as an Army sergeant as an assistant platoon leader, or "Did you feel like a boy," like Clinton at age 23 when he did all of this. Boy is how he described himself to Ted Koppel on Lincoln's Birthday this year, February 12.

Back to where I left off, October 15, 1969. Clinton organized antiwar demonstrations in a foreign country, England, London, Grosvenor Square in front of the U.S. Embassy.

What is our source? Clinton's December 3, 1969 letter that I mentioned a minute ago to Col. Eugene Holmes, which Clinton claims, "I wrote from England." Clinton said that "After I left Arkansas last summer," 1969, "I went to Washington to work in the National Headquarters of the Moratorium. Then to England to organize Americans here, in England, for demonstrations here." He repeats "here" twice.

October 15 and 16. Clinton gave me those dates. I am sorry that I did not come across this months ago. November 16, 1969. Clinton organized antiwar demonstrations in London, England. Source? Again, Clinton's December 3, 1969 letter to Colonel Holmes, and I will put that letter in the RECORD at the end of my remarks as a reference point for anybody who wants to get ahold of this CONGRESSIONAL RECORD. I will also put in there Colonel Holmes's letter to America which has been virtually ignored by the dominant media culture, dated September 7, last month.

In addition to Clinton's own letter to Colonel Holmes in December 1969, there is Clinton's role as a leader in this November 16 demonstration, as described in the book "Peace Eyes" by Fr. Richard McSorley, far leftwing radical priest who still holds court down at Georgetown, a school that I admire some of the time, and his partner down there, our former colleague for 10 years, Father Drinen, who was also a big apologist for Hanoi, and all of the Communist countries around the world, as a matter of fact. I wonder if he has changed his song since the collapse, the dissolving of the evil force it was, of the motherland to Lenin and Stalin, and communist Moscow. I have not seen him around lately. We would cancel each other out on votes on morality and religious issues, particularly life. I called him Father Death most of the time, because we overlapped during four of his 10 years.

The fourth date, on or about December 12, 1969, Clinton arrived in Oslo with Father McSorley where they met with the peace movement. I use that word the way they did not use it, sarcastically, peace movement activists. Where did I get again the information? Again from "Peace Eyes" by Fr. Richard McSorley. What I discovered today by reading this book, and I have it right here, that the title of the book published in 1978 was taken out of the mouth of Bill Clinton, because Clinton commented in Norway to Father McSorley, "Isn't this a great way to see a country, through the eyes of all of these peace activists," most of whom were pro-Hanoi, pro-war activists as long as it was the Communists pursing the war from the north to the south, trying to conquer the south, just like the Communists pursued the war from North Korea into South Korea to conquer the south and kill their own people. So the title of the book comes out of Bill Clinton's observation that December.

Now December 31, 1969, through the admissions of his own senior staff to some journalists, while they are telling other journalists lies, that I am lying here on the House floor, they admit Clinton was in Moscow. The best reference that I can send to anybody who is interested, Mr. Speaker, is a Knight-Ridder newspaper article, after I had begun this reaching out with the truth to my fellow citizens, a Knight-Ridder article September 25, 1992, and in a June 12, 1989 Gazette article, 3½ years ago the Arkansas Gazette, retitled the Arkansas Democrat Gazette, where Clinton acknowledged he traveled to the Soviet Union and described his visit as a friendly time, a good atmosphere, a period of detente. And I put that letter in the RECORD earlier, and anybody who is interested can get that.

Attached is an article from the October 14, 1969 Times of London which describes Hanoi's support for the nationwide moratorium in England. Here the moratorium was on its own, I guess. This was the rally held on October 15 that Clinton bragged in his letter to Colonel Holmes, "I have been having these demonstrations. You probably

wouldn't like me now if you knew that."

Colonel Holmes says in his letter last month Clinton would never have qualified to be an officer in the military in any of our services, ever, to this day. And now he is set up to be Commander in Chief.

In a letter to Colonel Holmes, Clinton acknowledged he worked at the National Headquarters of the Moratorium in Washington, DC, during the summer of 1969, and then went to organize demonstrations in London October 15, November 16, and I found out on also the 17th and the 18th. Hanoi's support was directed knowingly or unknowingly by Bill Clinton and his fellow organizers in Grosvenor Square, and probably at Oxford, and who knows at what other places.

Here is the article from the Times of London, one of the oldest papers in the world, October 14, the 22d anniversary of us breaking the sound barrier, guys, October 16.

"Hanoi salutes U.S. antiwar campaign from Albert Dupuy." Hanoi, October 13, Now here is an Agency France press release from Hanoi: "United States movement of protests against the Vietnam War is to reach its culmination on Wednesday with a nationwide moratorium, and it has been enthusiastically welcomed in North Vietnam, here and in London, and in Oslo and in Stockholm." The newspapers are filled with articles accompanied by photographs showing antiwar demonstrations, and in particular the clashes in Cleveland and Chicago. He is still reading Vietnamese words. In an article headlined "Hail to the Autumn Struggle," Hoang Minh Gian, the Minister of Culture who is chairman of the Vietnamese Committee on Solidarity, a member of the Secret Police, obviously, full title Vietnamese Committee on Solidarity, and the American people, we had POW's tortured to force them to meet with these jerks.

He expressed gratitude and encouragement to the dear friends of the Vietnamese in the United States denouncing Nixon's policy of prolonging and intensifying the war while hanging on to the puppet government of south Vietnam. That was the French reporter, Mr. Depuy; Mr. Gian wrote the Vietnamese warmly acclaim and support with all their strength the struggle engaged in by opponents of the war, and he continues that we wish to have relations of friendship and equality with the people of the United States; we do nothing which could stain the honor of the United States. It is the United States which sends troops to conduct aggression against South Vietnam. We demand that they be withdrawn completely, rapidly, without conditions, leaving the South Vietnamese people to settle their own affairs. That was the Agency France Presse. Bob Dornan's comment: You mean, to kill them, to assassinate them, to see them drown at sea, to rip their teeth out of their face if there is gold in them, and the killing fields of Cambodia, millions of bodies and skulls strewing the roadsides from Phnom Penh to Vietnam and west from Phnom Penh to the Thai border. That is how the savage Communists wanted to be left to their own devices.

Now, I have got enough stuff here for a special order tomorrow night and the next night. I am going to put in the CONGRESSIONAL RECORD what I call Bill Clinton's run from honor, a story of deception and deceit which is a carefully worked out, and I will be honing it and updating it, record, a chronology, from August 19, 1964, when Clinton first registers for the draft at 18 years of age all the way up to September 7, 1992, Colonel Holmes' letter. I am going to put that in the RECORD at the end.

Now, my good friend, the gentleman from Texas [Mr. JOHNSON]; SAM, I do not want to be corny here, and I might start to interview you, because, you know, I did for a living for 7 years before I came to Congress, and that is what enabled me to slip over at my own expense seven times to Vietnam after my first trip, making eight trips, when I went over delivering a rescue seaplane out of March Air Force Base, and dying to be back in the fighter cockpit following into battle the likes of you.

SAM, how many years did you have in Austin as a State legislator?

Mr. JOHNSON of Texas. Nearly 8, 7½.

Mr. DORNAN of California. You won a special election to come here when our pal, Steve Bartlett, became mayor of Dallas?

Mr. JOHNSON of Texas. Right. One of the honors of my life.

Mr. DORNAN of California. SAM, you told me the other day that you got shot down, and then I am just going to turn it over to you, that you got shot down on a mission where you sat waiting for a C–130 to land from somewhere, I guess Ton Son Nhut or Saigon, to bring you your bombs? That is how poorly run the war was. You were sitting in an F–4 waiting for his bombs, "DUKE," to come on a C–130 and be unloaded, taken over on carts by young kids, strapped to your wings, and on that mission, just tell me how you got shot down and what date.

Mr. JOHNSON of Texas. Well, it was April 16, 1965.

Mr. DORNAN of California. My wife's birthday.

Mr. JOHNSON of Texas. I am sorry, 1966. I was in Saigon working for General Westmoreland, a friend of ours.

Mr. DORNAN of California. So this was your second tour?

Mr. JOHNSON of Texas. Right; right. Before we get into this, you were talking about the great black heritage that we have: Chappie James, and you may have known him, Mr. Speaker, he was a great friend of mine and a leader in the Air Force. You knew him, I know.

Mr. DORNAN of California. First four-star African-American general in the Air Force and one heck of a human being and a natural fighter pilot filled with bravado and fun.

Mr. JOHNSON of Texas. He was a great, great guy. You know, the reason I bring the name up is because you were talking about that heritage earlier, but he more or less bid me adios when I left the United States to go back to Vietnam the second time before I got shot down, and when I got out, the first call I had when I set foot on the land of this United States of America was from Chappie James right here in Washington, DC——

Mr. DORNAN of California. Wow.

Mr. JOHNSON of Texas. Welcoming me back, soldier, you know.

Mr. DORNAN of California. Sure.

Mr. JOHNSON of Texas. And I just could not resist bringing that to your attention, too, Mr. Speaker, because it was one of those things that we cherish in our American heritage and what makes our President so important to what we do.

You asked, I was shot down by ground fire, probably one of those radar guns that that guy up in New York, now, that stayed in the Soviet Union for 40 years developed for the Russian hierarchy.

Mr. DORNAN of California. We had a press conference about him the other day out here.

Mr. JOHNSON of Texas. Yes; yes. Anyway, we had been on a road reccy and ended up over a truck park, and it was a big one, and they were ferrying boats across the river, and we were going to lay the bombs in on those ferries and, you know how that is done, and I sent my wing man up, and I went down and got hit. It was that simple.

Mr. DORNAN of California. SAM, or radar, Soviet-built, radar-directed flak?

Mr. JOHNSON of Texas. Yes. I do not know, quad 40's or 50's or something, and they, you know, I do not know, I took three or four hits, enough to lift us off the seat, and we were carrying napalm at the time, because that was one of the only loads they happened to have on that C–130 you described a little earlier, so we were down about 30–40 feet off the ground when we first took hits and managed to pull up going about 650 knots.

Mr. DORNAN of California. Did your back-seater get out?

Mr. JOHNSON of Texas. You know, that is another whole story in itself. I know, I saw our wing man, "DUKE," "DUKE" the Great over here, CUNNINGHAM, come in, and the back-seater, of course, in those days, you each had your own ejection handle, but later they modified the airplanes, as you know, so the front-seater could pop them both out, but the guy tried to get

out, and you would not believe it, BOB, but he pulled the handle and was sitting there, "Duke," looking at nothing, but a cord about that long, and the seat did not fire, and it mesmerized him. He did not get out. I told him again to get out, and he did not, so I went out. When I did, it shook him to his senses. He managed to push himself down in the seat, and we were at negative g. It has gone full forward, and got this, and I sensed, and I went through Army jump school, so I have a feel for where I was. I was about 800 feet, I think, when I got out.

Mr. DORNAN of California. That will get you about one or two swings.

Mr. JOHNSON of Texas. Yes. The chute popped. It was a hard opening at that speed. I just had time to check it and see it was all right and look down and see him get out before the airplane hit the ground.

Mr. DORNAN of California. As the next step, as to your war story, with a peacetime story, so people understand I know what you are talking about. I went out at 500 knots, 450, and I broke my back from the seat, I broke my hip, and just had a new one a year ago from a hard landing, had about 40 stitches in my face. When you go out, everybody sees ejections in the films, and you are straight and level, you get everything squared away, boom, you are out, but when your aircraft is tumbling or falling like that, that is why so many POW's broke their arms and legs, because when a SAM missle hits you, it turns your airplane into a big piece of junk and shrapnel in the sky, and when you go out at those speeds, you land on the ground and you need medical help, and instead of giving medical help, they used prisoners' wounds to exacerbate their torture.

So did your back-seater make it to the ground OK?

Mr. JOHNSON of Texas. Yes. He broke his back. I think the chute opened just barely in time for him. I broke an arm and a shoulder and a back.

Mr. DORNAN of California. You never got good medical treatment for it ever?

Mr. JOHNSON of Texas. Zero.

Mr. DORNAN of California. Until you got back?

Mr. JOHNSON of Texas. Zero. Well, you know, the Vietnamese are like, I think, most Communists were in those days; they just put on a white smock and became a doctor. Would you like to be a doctor, Dr. BOB?

Listen, I would just like to say how many people remember what they were doing back in 1970. You know, in 1970, that was about the time that the 11 of us who were in Alcatraz put there because they claimed we were threatening to overthrow the Vietnamese Government inside the prison, we were isolated in the prison camp that was stuck down below the surface about 3 feet, believe it or not, right in the middle of their equivalent to our Pentagon, their headquarters in Hanoi.

Mr. DORNAN of California. What rank were you?

Mr. JOHNSON of Texas. I was listed as a major when I got shot down. I was a lieutenant colonel really, and they never picked up on that.

Mr. DORNAN of California. Let me just briefly explain what Alcatraz was: 11 men whom they call hard-headed, Robbie Reisner would have been with you, but he was so severely tortured and ill that they just left him in a lump in his cell. They took two younger jocks that had escaped, Coker and McKnight. The rest of them were Senator Jeremiah Denton, who served 6 beautiful years here, James Bond Stockdale, was he with you?

Mr. JOHNSON of Texas. Yes.

Mr. DORNAN of California. He is now the Vice President under Ross Perot.

Mr. JOHNSON of Texas. Yes.

□ 2330

You talked to Ross this morning, did you not?

Mr. JOHNSON of Texas. I did.

Mr. DORNAN of California. Well, since you are his Congressman, there is something I want you to talk to him about.

Mr. JOHNSON of Texas. Let us get this straight, that I am supporting President Bush in this election.

Mr. DORNAN of California. But you did not beat up on your friend Ross, tell him to get out of the race; it is just he knows you are a solid Bush guy and he thought you were going to chew him out.

Mr. JOHNSON of Texas. I told him he had better put his hip boots on because it may get deep before it is over.

Mr. DORNAN of California. I told a story in this House several times over 16 years. One of the 11 men was Ron Stewart, Air Force pilot. He said goodbye to you, God bless you, GBU, with a broom.

Mr. JOHNSON of Texas. Right.

Mr. DORNAN of California. But you never saw him again.

Mr. JOHNSON of Texas. No.

Mr. DORNAN of California. But his remains are home over in Arlington.

Mr. JOHNSON of Texas. We found out when we came on the airplane, Shields told us——

Mr. DORNAN of California. Roger Shields.

Mr. JOHNSON of Texas. Yes. Roger Shields, State Department.

Mr. DORNAN of California. He testified over in the hearings.

Mr. JOHNSON of Texas. Exactly. Just last week.

Mr. DORNAN of California. A few days ago.

Mr. JOHNSON of Texas. Yes. That was the first time we found out what happened to the stores that were on the airplane.

Mr. DORNAN of California. SAM, let me ask you something. It is no secret that I look up to you guys who fought wars behind me, like George Bush, and after me, like you guys. I am stuck in between. I cannot pick my birthdate. But I just want to establish something that is embarrassing to guys like you. DUKE, you grab the microphone because I should have asked you this last night when you said you were going to turn your medals upside down.

Let me ask you: Forget all the service ribbons and commendation medals and good-conduct medals, just give me combat decorations. You were nominated for the Medal of Honor. Let me say politics, politics, what they called after the Pearl Harbor debacle when the Army and Navy could not talk together, I learned a new word years ago, "Army/Navy punctillio." Friction, little bit of jealousies, and, as far as I am concerned, when you are nominated for a Medal of Honor, you got it. So what is your highest decoration?

Mr. CUNNINGHAM. Navy Cross.

Mr. DORNAN of California. One Navy Cross.

Mr. CUNNINGHAM. Two Silver Stars.

Mr. DORNAN of California. Two Silver Stars. How many Air Medals?

Mr. CUNNINGHAM. 15 Air Medals.

Mr. DORNAN of California. 15 Air Medals.

Mr. CUNNINGHAM. Yes.

Mr. DORNAN of California. Purple Heart?

Mr. CUNNINGHAM. Purple Heart.

Mr. DORNAN of California. And you came very close, depending on tides, because you came down in the water, right, on May 10, 1972?

Mr. CUNNINGHAM. That is why I have so much respect for people like SAM. The most fear I ever had in my life was when I was hit by a Soviet surface-to-air missile, called an SA-2. And I did not know if I was going to survive or be a prisoner of war. The most fear I have ever had in my life, SAM, was the thought that I was going to be a POW. There were also two things that they told us that would keep us alive, when we went through POW training at camp. One of those was having a good family back home that you could come back to, and the other was a faith in God. I did not have those then, but I have them now.

Mr. JOHNSON of Texas. God bless you.

Mr. DORNAN of California. How many combat missions did you go to?

Mr. CUNNINGHAM. 299½, BOB. I was shot down on my 300th mission over North Vietnam.

Mr. DORNAN of California. That was a sortie, one sortie you did not sortie, that is the French, out of the area.

What combat mission were you shot down on?

Mr. JOHNSON of Texas. Twenty-five, and I had sixty-five in Korea.

Mr. DORNAN of California. Sixty-five in Korea and twenty-five in Vietnam. It is unusual on the 25th mission that you guys get shot down, it is usually on 1 to 10 and then the odds catch up with them at 80 and 90 or 100.

Mr. CUNNINGHAM. That is the Air Force guys.

Mr. DORNAN of California. Let me just embarrass you for a second, SAM. Your highest combat decoration?

Mr. JOHNSON of Texas. Silver Star; I had a couple of them.

Mr. DORNAN of California. A couple of Silver Stars?

Mr. JOHNSON of Texas. Yes.

Mr. DORNAN of California. Distinguished Flying Crosses?

Mr. JOHNSON of Texas. Yes.

Mr. DORNAN of California. How many Air Medals? You cannot beat 15.

Mr. JOHNSON of Texas. No, no, I can remember six.

Mr. DORNAN of California. Did they know that you were decorated when they got their hands on you?

Mr. JOHNSON of Texas. No, they did not.

Mr. DORNAN of California. So what did they do? DUKE, if you would bear with me. When they pick you up on the ground and pick up your backseater man—what is your backseater's name? Where is he today?

Mr. JOHNSON of Texas. He is in Arizona, Tucson.

Mr. CUNNINGHAM. Mine was Willy Driscoll.

Mr. DORNAN of California. Your guy in the back, the all-important guy in the back, an Air Force GIB, "guy in the back," when he is looking, lying there with his back broken, do they just load you two guys in a cart, or how did they get you there?

Mr. JOHNSON of Texas. No, no, they kept us separated for the whole time.

Mr. DORNAN of California. You never laid eyes on them until you got out?

Mr. JOHNSON of Texas. One time when we were forced together because the Navy blew up a bridge ahead of us and we could not get across it. So they commandeered a Bhuddish pagoda and put us in there. They kept the guard between us. They were trying to play one against the other.

Mr. DORNAN of California. Right; he has told me this, he has told me that?

Mr. JOHNSON of Texas. Yes.

Mr. DORNAN of California. And this is April 16, 1966?

Mr. JOHNSON of Texas. Yes.

Mr. DORNAN of California. Do you recall how many planes had been shot down by then?

Mr. JOHNSON of Texas. I was the 69th prisoner of war.

Mr. DORNAN of California. Good grief.

Mr. JOHNSON of Texas. I do not know how many planes had been shot down at that time.

Mr. DORNAN of California. The final figures of reliefees, if you do not count the 24 in the south, it came up to like 690 prisoners?

Mr. JOHNSON of Texas. I think it was 571.

Mr. DORNAN of California. I am sorry, 571 in the north and 24 guys in the south, who actually were rare. Most guys in the south died. One doctor who came back in that 24 said he had over 30 men die in his arms because of maltreatment and bad treatment.

Mr. CUNNINGHAM. Can I make a point, BOB?

Mr. DORNAN of California. Sure.

Mr. CUNNINGHAM. We voted to give the troops our support in Desert Storm. I went on a strike just south of Vinh, it was called Operation Crowd Deep, and we could not get word to go in, Congress would not let us do it. It was overcast. We called back and said we cannot go in over the overcast because of the surface-to-air missiles. And Congress said, they came back and said, "You have those 3 days or none."

So we had to go in. And we lost over 30 airplanes because of decisions here in this body. That is why I think I relished and promised that someday if ever I was in a position to make those changes. Can you imagine with someone like Governor Clinton, who was in the Soviet Union, and both SAM and I were shot down with Soviet weapons. Bill Clinton was in the Soviet Union protesting the same war that we almost gave up our lives for.

Mr. JOHNSON of Texas. Riding trains, eating black bread, galivanting around Moscow, right? Bill Clinton.

Larry Chesle was my backseater.

Mr. DORNAN of California. A young Mormon?

Mr. JOHNSON of Texas. Yes.

Mr. DORNAN of California. He was one who wrote one of the first books that I read out of the 20 books that you gentlemen wrote. Larry's was just a simple one. He was not tortured as much, because he was a junior officer. But his book was the first one that gave me a setting for—what was it called? "Seven Years in Hanoi," just a simple title. Then I began to read the books of the senior naval Air Force officers.

Mr. CUNNINGHAM. One of the best books you can read is by Major James Rowe, who is the same military officer who was killed in the Philippines just a couple of years ago. It is called "Five Years to Freedom." He spent 5 years as a prisoner and then escaped, and I will tell you, it is fantastic.

Mr. DORNAN of California. I got to know Nick Rowe very well because I put him on my show three times in 1969 and 1970, the 2 years that we are discussing here, with Clinton. He had death threats leaving my show sometimes. He was a prisoner from October 1963—we did not even know that we had live prisoners in October 1963. That would be when Mr. Lewis was in the chair, that would be between Martin Luther King march and the month before Kennedy was assassinated, Nick Rowe was captured. Five years later, thanks to the likes of some of these people that Clinton has hired, like David Ishland, his cover was blown that he was not an engineer, that he was a West Point graduate. He was to be executed in the morning. And even though he had escaped 5 times and had been recaptured, obviously he was motivated to go for broke, this was it. He got away. He was out in a field. Nick was short in stature, maybe 5'6" or 5'7". He was in black pajamas. Here comes an Army Cobra about to zap him, and he waves his hands and as dirty as he was, those Cobra guys get down in the weeds, the guy looked at his face and he said, "Whoa." He did not fire, but he did circle around. And that was 5 years later, November 1968. I had him on my television show with his wife about 6 months later. Believe me, he worked his tail off for you, SAM, over and over to get him back.

Mr. CUNNINGHAM. I think this is important. I got a call from the Washington Post today to ask why I thought that you were doing these special orders. People were not aware—we got almost 2,000 calls in the office today, all very supportive, thanking you for what you are doing, BOB. But the press out there has suppressed the truth. And the facts and the figures that are coming across to the American people of Governor Clinton's involvement not only in the antiwar protest but dodging the draft, turning down his responsibility in ROTC, not graduating from Oxford. I did not know those figures or the letter that was written to his draft board. And I told them, I said, first of all, BOB DORNAN is a patriot and a hero in my eyes. Second, he believes in what he is doing because the American people are not aware of the facts and figures. When SAM and I were shot down, Governor Clinton was in the Soviet Union coddling the same Soviets that had KGB, that had interrogators in the prisoner-of-war camps along with Cubans that were interrogating and torturing men like SAM JOHNSON.

Mr. DORNAN of California. Yeltsin, a real hero of the Soviet Union today, who stood on that tank a year ago August, on the 20th or 21st of August, and thought he might die, he stood right there at that same spot where Winston Churchill stood and the Marquis de La-Fayette, where MacArthur stood for his good-bye speech, and all our Presidents address us, he stood right there and said, "My predecessors may have brought Americans from Vietnam to the Soviet Union, prisoners that never made it into the Hanoi structure or system of all those satellite camps."

Mr. CUNNINGHAM. And Governor Clinton lauded that kind of action.

Mr. DORNAN of California. And may have been in Moscow when somebody was sitting in the Lupyan Prison.

Mr. CUNNINGHAM. Can you conceive him being President of this country?

Mr. DORNAN of California. Well, I am going to sit down for a minute, because I want you two guys to go back and forth and let this peacetime fighter pilot butt out, but I want to set the scene, and here is what I want you to talk about.

Mr. Speaker, here is a picture of a man named David Ifshin. He was appointed in April to be the Senior Policy Advisor to the Clinton for President Campaign. Here is David Ifshin in Hanoi in 1970, the same year that Clinton was there in January. He is there later in the year. He went through Moscow, a flight to India for refueling, then into Rangoon, a Communist country at the time, nonstop Rangoon to old Hanoi, and here he is standing next to Pham Van Dong, who manipulated the Paris Peace Talks.

Mr. CUNNINGHAM. This guy is with Clinton's staff today, as an antiwar protestor, the North Vietnamese, the same people who were torturing SAM JOHNSON and shooting us down.

Mr. JOHNSON of Texas. Well, he is a close friend, one of his key political foreign affairs advisors, as well as a lawyer, posing for photographs that BOB has just shown you, serving as a mouthpiece for Communist propaganda on Radio Hanoi, denouncing his own country and servicemen.

Ifshin made a radio broadcast urging the American troops to refuse to fight, and he said,

> I realize after this trip to Hanoi that the United States Government does not go to South Vietnam to fight for democracy or to defend the right of the people. They go there and send us to murder the people of Vietnam.

It sounds like what the Communists were telling us there to make one large U.S. military base, not to defend the United States, but to aggressively threaten other countries.

You know, that is an action bordering on treason, not unlike that one of our previous friends, I guess we would call her, Jane Fonda did sitting on top of a gun.

If this latest revelation does not shed some light on the shadows of Bill Clinton's past, I do not know what will.

David Ifshin is Clinton's type of political bad company. Clinton surrounds himself with cronies and liberal revolutionaries.

I do not criticize anyone for not serving in the Armed Forces. Everybody is entitled to their own ambitions and political opinions. That is what makes America American.

But what turns my stomach is these men's blatant disregard for American lives.

Many in their generation took political stands of one sort of another, but they did not go to Russia, the Soviet Union.

You know, the Soviet Union at that time had not even launched a mission to the Moon and we had, and yet these guys stood over there and said how friendly the Soviet Union was to this country.

I mean, both Clinton and Ifshin did that.

They were not friendly to us. They were helping Vietnam fight that war and the Vietnamese told us that we had not gone to the Moon. It was not until I got back and talked to my friend, Buz Aldrin, that I found out what really happened up there.

They said the Soviets had gotten there and the United States did not make it.

It was like them telling us we were going to be there all of our lives when Lyndon Johnson stopped the bombing in North Vietnam.

So I think the difference comes with the character of people. The Democratic nominee for President does not possess the basic integrity to admit he opposed the war, asking for special loopholes and favors along the way, and the Democrats top political advisor, David Ifshin, who committed the ultimate disgrace of putting himself at the service of the Communist enemy.

Mr. DORNAN of California. It is treason, that is flat out treason.

Mr. JOHNSON of Texas. Well, I could go on and on.

Mr. DORNAN of California. Go on, please.

Mr. JOHNSON of Texas. Well, I think the issues are so important to our Presidential race, and the issues are truth, integrity, and the basic values of being an American citizen.

Do you love your country? I do, you do and DUKE does, I know. All three of us, regardless how crippled up we are, we would go fight for it again tomorrow if we had to.

Mr. DORNAN of California. In a heartbeat.

Mr. JOHNSON of Texas. You know, I think we need to take a long look at all our choices for President and make sure that we do not forget who stands for America and who does not.

Mr. DORNAN of California. DUKE, that article I just gave you, is that the London Times one, the one down there with that face of Ifshin, where he looks like Lyndon?

Mr. CUNNINGHAM. We had names when we were pilots, both during the war and after. We call them DRCPD. That is Dirty Rotten Communist Pinko, and because of respect for this House, I will not tell you what D stands for.

But this individual, if we could have had him in our sights along with the other people, the antiwar protestors, BOB, we hated these individuals as fighting men and women in the armed services worse than we did the enemy that we were fighting.

I had more respect for the men that I fought against and we shot down in combat than I did for men like this that Clinton surrounded himself with and Bill Clinton who avoided the draft now is lying about it.

Let me tell you a real quick story. It is about one of SAM JOHNSON'S colleagues when he was a prisoner of war, if I can get through this.

There was a POW that took and knitted an American flag on the inside of his shirt and every time the POW's would get together, he would turn that shirt inside out so that they could meet under that flag.

Well, that was great until the Vietnamese guards broke in and found the man and they saw the shirt hanging over the meeting and they tore it to shreds. They took him out and brutally beat him, some of the same Soviets, same Cubans, they yanked this man for 4 hours, and when they drug his body back in, his bloody body, with broken bones, his friends, his fellow colleagues, and POW's put him over in a corner on a bale of straw. They did not think he was going to survive the night. They went back over in their corner after they had comforted him. They heard a stirring in the corner, BOB, and they looked over and here was that broken body. The POW had drug himself to the floor and started knitting another American flag, and people like Bill Clinton that disgrace this country and people like this—

Mr. DORNAN of California. Ifshin.

Mr. CUNNINGHAM. Ifshin, that he has surrounded himself with, if he sets foot in this Chamber, I will never ever wear those medals and I will turn them face down.

Mr. DORNAN of California. Until we replace him.

Let me focus on something here and see if you gentlemen would agree with me on this. If some misguided young person decided that the killing or even the political manipulation was too much to bear and they said, "I have nothing to do with the Communists in Vietnam. They probably are awful. I just want my soldiers to come home and I want this war to end." You would put that person in a different category than somebody who went to Moscow, or a conscientious objector. A person that was a pure peace worker, or as Bill Buckley writes in his column, like Joan Baez, who said she was sorry and wrong when she saw the killing fields and saw the boat people, Joan Baez marched on the White House, and as a young Congressman, young meaning new Congressman, in 1979, I went with her. We knelt in front of the White House on the north side. There was BOB DORNAN, a liberal Republican, failed to show up, he told me about it, so I went to Joan and he was not there.

Joan Baez covered Newsweek Magazine, as a matter of fact. Joan Baez, a Buddist Monk, a Vietnamese Catholic priest, and BOB DORNAN.

President Carter, to his credit, came out of the White House through the

north portico, came up to the fence and actually climbed up on the bottom rung.

Mr. CUNNINGHAM. President Carter was a military man.

Mr. DORNAN of California. He was an Annapolis graduate.

He said, "I will order the 7th Fleet to start picking up refugees."

Now, Joan Baez never apologized for her impulse toward peace, but she condemned the enemy.

They ran a full-page ad in one of the New York Times or Wall Street Journal papers, and Jane Fonda refused to sign it, as did Noam Chomsky, Tom Hayden. You found out in 1979 about the killing fields, 1978 and 1979, who the real pro-Hanoi workers were.

□ 2350

Now Jane Fonda, although Hayden has never apologized; after she got rid of him and gave him $15 million to get lost—he had a Clinton problem: Trying to nail every stewardess he laid his eyes on. They used to tell me this story, this was up between Sacramento and LA, call them banana nose and laugh about why they think he would be successful with us. He felt sorry for Jane.

But she has apologized. When she tried to make that movie in Connecticut, a half an apology, she said, "I shouldn't have gone to Hanoi. I hurt a lot of people's feelings. I didn't mean that. I was very naive. I didn't think some things through." But that was as far as she could go. No condemnation of the killing fields, the Communists, the massacre of 68,000 people who loved us and worked with us, but at least it is half an apology.

Clinton cannot apologize for his trip to Moscow because he is so wrapped up in his web of deception, if he apologized for something, people would go: What? They would accept the apology, but they would not vote for him to be the Commander in Chief, to lay the wreath on the Tomb of the Unknown Soldier, sailors and marines for all the wars of this century.

That is the catch-22 that this guy has gotten himself into.

Ifshin, David Ifshin, and the article the gentleman has there by Bill Buckley, was written in 1984 when Ifshin was, get this, chief of legal counsel for the Mondale-Ferarro campaign. Later he was hired by the Dukakis campaign.

Mr. JOHNSON of Texas. And senior political advisor.

Mr. DORNAN of California. Then, and then Mickey Kantor, who I have gotten along with, debated on television, Democratic operative from LA, Jerry Brown's campaign manager for his Presidential run before this time he shifted to Clinton because he figured a moderate might win—well, I am telling my friend, Mickey Kantor, "You aren't ever going to convince me, Mickey, this guy is a moderate. This is a George McGovern, radical, leftwing, pro-Hanoi who, because he was born in Arkansas, knew that he had to learn to talk moderate or conservative speech because he lost his first race to our colleague who still serves here, JOHN P. HAMMERSCHMIDT." He lost the Governor's race 4 years later, although he won Lieutenant Governor in 1978.

This issue never came up in Arkansas in the Governor's race when he made his comeback in 1982, 1984, and then they went to 4-year terms, so he was elected in 1986 and 1990. Why? Because he had a simple total distortion of the truth. He said, "I submitted myself to the draft." Not true. "I drew a 311 in the lottery on December 1, 1969, and by a sheer fluke," that is a quote this year, "by a sheer fluke I never got called up, but I liked the military. I have always admired it. Gosh, maybe I would have liked to have gone."

All of this is improper because on December 1, he drew his number; on the 2d he wrote to Yale, where his mother said he always intended to go anyway. On the 3d he wrote this mawkish, disgusting, deceitful, lying letter to Colonel Holmes.

Mr. CUNNINGHAM. These are documented dates.

MR. DORNAN of California. On the 12th, or thereabouts, he is in Oslo, Norway, visiting with peace people, that is, pro-Hanoi activists, prowar people pulling for a Communist government, a Socialist government, in Southeast Asia, also for Cambodia and Laos and Thailand and Malaysia and Singapore when they got around to it, and somewhere between December 12 and December 31, he shows up in Moscow, 26 degrees below zero, dead of winter, and stays there for how long? He says through his mouthpiece, to his senior staffers, a week. How do we know a week?

ABC national television showed no interest today. They called me, said, "What do you got? We're not interested."

Post: So far Washington Post not interested. So far New York Times not interested. So far Wall Street Journal will not answer my calls. So far LA Times not interested. Jack Nelson, Washington senior man for the LA Times, referred me to a local reporter who is a good man. Maybe he will do a story.

I do not know what is going on here with the American media, but I am beginning to believe in my gut, gentlemen, that the bias this time is deeper and more disgusting than anything that Agnew talked about November 13, in Des Moines, IA, of that same year, a month before Clinton left for Moscow. Six weeks before that excellent speech of Agnew, written by Pat Buchanan, as a matter of fact, about the nattering nabobs of negativism and how big media twists the news, they looked like little pussycats in 1969 compared to the raw, ugly bias in the dominant media culture today. Clinton is their candidate, and they need to carry him with all of his flaws and warts and his association with KGB agents in Moscow.

Whether or not he knew it, it was irrelevant. I will give him the benefit of the doubt on that.

Mr. CUNNINGHAM. He would not qualify under our intelligence records to serve in this body.

Mr. DORNAN of California. He could not serve on the Permanent Select Committee on Intelligence if he was in this body, and he tried to get here in 1974 when he was 28. He could not serve. That was only 5 years after that he was running for the U.S. Congress. He could not get a secret, let alone a top secret or a code word clearance, and he could never be commissioned in the military because of this record. If he has wanted an officer's commission, if he has levelled with Colonel Holmes, come home in January 1970, they would have grilled him on that Russian trip, and then they would have said, "Look, we haven't got time to fiddle with you, buddy. We've got other good kids from Arkansas. We're going to take other people. We'll take a high school diploma farm kid over you. Get out of our sight." But he was worried about political viability.

This guy, Ifshin; I do not understand this. This was a press release in——

Mr. CUNNINGHAM. Can I read this?

Mr. DORNAN of California. Please do.

Mr. CUNNINGHAM. This is the first time, and I am reading where the gentleman highlighted it. That is why my eyes fells on it.

Mr. DORNAN of California. Sure.

Mr. CUNNINGHAM. Mr. Ifshin, a member of good standing in the antiwar movement went in response to an invitation from the Communist government of Hanoi to help negotiate, was known then memorably as the people's peace treaty. In sum, Mr. Ifshin went to Hanoi at the behest of the Government with which his country was at war and there made pronouncements that, whether he willed it or not, made useful propaganda for Hanoi radio.

Mr. JOHNSON of Texas. Yes, he signed the people's peace treaty, for goodness sake, without any official——

Mr. DORNAN of California. And they were trying to get some of you to sign that thing, as I recall.

Now in Alcatraz was there even a PA system——

Mr. CUNNINGHAM. Is he going to be Clinton's Secretary of Defense?

Mr. DORNAN of California. Look. That guy will end up so high in the State Department, and then he will go before a Senate committee for confirmation, which is already loaded with the majority party, and they will be battling over there, one after another, as Clinton's true colors come out and

he tries to take these birds of a feather that he really runs with because, if he makes it on November 3, next month, if he makes it, do my colleagues know what the battle cry is going to be with all of these people who have felt kind of treasonous, properly so, all these years? They are going to say, "We made it. One of ours, one of ours who got to Moscow," and his friends got all the way to Hanoi to betray their country, "one of ours has made it," and the media will grovel, all these light types, that the flower children of the 1960's are now in control of the greatest nation in the Free World——

Mr. JOHNSON of Texas. They announced in the Clinton campaign that Ifshin, this broker known traitor guy, will take an active role in the development of foreign and other policy areas——

Mr. DORNAN of California. Wait a minute. I just——

Mr. CUNNINGHAM. The gentleman brought up a point last night. What effect is this going to have, not only on our veterans who are held in esteem in this country, but what about our active duty military knowing that Clinton, who turned his back on this country and has had someone like Ifshin in defense when we have active duty men and women serving this country, the same people that turned their back on him, and we might ask our friend, the gentleman from Texas [Mr. JOHNSON] how he thinks it would affect the veterans in the current military.

Mr. DORNAN of California. What do you think, SAM?

Mr. JOHNSON of Texas. I think they would be appalled. It would be in my view awfully hard to get somebody to come into the military to defend this country with somebody like that.

Mr. DORNAN of California. Does the gentleman know what I just recalled about Ifshin? I forgot for a moment what he did for Dukakis.

The Buckley column, with his quotes over radio Hanoi asking men to betray their country, throw down their arms, same thing they got Fonda to do 2 years later in July 1972. He was chief legal counsel for Mondale, 1984, but in 1988, for Dukakis, he was the chief of the transition team. When they came out of their convention 17 points ahead, were planning on winning, they put this traitor in charge of the transition team to fill 75,000 jobs that are listed in what is called in this city the Plum Book as big as a phonebook. He would have say over Presidential ambassadorial appointments, and liberal Presidents always tend to push the statute, but traditional 40 percent break or less, of Presidential appointees or political appointees, if my colleagues want to put a bad title on it, as opposed to career Foreign Service officers.

Right now, under President Bush, because he was on board at China and the United Nations, he has got it down to a lower percentage out of respect for career Foreign Service people, out of our 160 embassies out of about 170 nations in the world where we have an embassy in the present. There are only 36 Presidential appointments. Every one of those good people, including the key countries of Japan, Germany, London, Rome, Paris, Oslo, Belgium, Switzerland, 36 of those people are going to be called home in just a couple of months if Clinton wins, and 75,000 people across this country will lose their jobs, and the McGovernites will be back in position again as they infiltrated and dominated 90 percent of the Carter years giving us that 24-percent interest rate and 14½ inflation rate.

We are in for, as Betty Davis says, a "fasten your seat belt, you're in for a bumpy ride." It is going to be a brutal 4 years, particularly on the military.

□ 2400

Maybe Ifshin is already planning to be head of the transition team if they pull it off.

Mr. CUNNINGHAM. Truth, integrity, and character.

Mr. DORNAN of California. As I said last night, duty, honor, country. I still have a certain respect for a guy like David Harris, who was Joan Baez' husband at the time, a student body president at Stanford. By the way, Ifshin was the student body president at Syracuse when they had riots up there, and then he became president of the, what was that association, the National Association of Student Leaders, or something, turned into a radical proHanoi arm. Whatever happened to that group, by the way? I have not heard from them in a decade or so.

No, what we are on the edge of here is a nightmare. What I am finding that I am getting angrier about, not bitter, just plain old anger, is the media does not think what these people calling and writing to our offices, and since you joined me last night, wait until you see what happens to your mailbox in a day or two.

Mr. CUNNINGHAM. We have had 2,000 phone calls today, all positive.

Mr. DORNAN of California. Wait until you see the mail coming in. Not just from veterans, but mothers, gold star mothers, people who wondered why we were never able to win. And we know that the war was fought in the halls of this place.

Mr. CUNNINGHAM. I have had Democrats call today and said they are not going to support this guy. They did not know. And that is why it is important that you are bringing these documented facts to the American people, because the press will not do it.

I would like to ask my friend SAM JOHNSON, the great SAM JOHNSON from Dallas, TX, SAM, what do you think, and maybe this is an unfair question, but if you in prison with your other members could have got ahold of Jane Fonda, Tom Hayden, Clinton, and this rascal, what would you have done to him?

Mr. JOHNSON of Texas. Ifshin? Well, we talked about bringing them back on a plane with us and kind of easing them out the door at about 40,000 feet.

Mr. CUNNINGHAM. I know you say that in jest, but I also know that if the POW's would have had their way, there were a lot of people that would have been tried for treason in this country.

Mr. DORNAN of California. I think they should have been.

Mr. CUNNINGHAM. Including a member that was a turncoat prisoner of war that was in Jerry Brown's cabinet along with Jane Fonda and Tom Hayden.

The SPEAKER pro tempore (Mr. VISCLOSKY). The time of the gentleman has expired.

PATRIOTISM AND AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. JOHNSON] is recognized for 60 minutes.

Mr. JOHNSON of Texas. Mr. Speaker, I think we need to just make a couple of more statements here. I think 1970 may seem a lifetime ago to some, but it will never be long enough to erase the shameful act of the two Americans that played politics with their own countrymen, and that is what we are talking about.

Mr. Clinton, BOB, said, and he is talking about Russia in 1970, "Relations between our two countries were pretty good then. It was a time of détente."

Mr. DORNAN of California. It was not.

Mr. JOHNSON of Texas. Get off my back. "And the American Moon landing had just been shown on Soviet television. So it was a very friendly time." And he says, "I love riding the trains in Russia and the black bread, too."

Now, come on. In that timeframe, and I recall, and we talked about it a little earlier, the likes of Jim Stockdale in California, Jerry Denton in Alabama, and I, were sitting in a Vietnamese prison camp, and we were not riding the trains and eating black bread. We were eating rice and pig fat and watching rats.

Mr. DORNAN of California. And sometimes watching the Vietnamese guards pour gasoline on the rats and set them on fire and laugh as they would run to their death.

Mr. JOHNSON of Texas. Well, I watched them kill dogs that way, too, with gasoline.

Mr. DORNAN of California. Let me read a press release from today, not a press release, a press statement, out of Little Rock, today, dated October 2.

"An Arkansas newspaper editor asked if Clinton went to Moscow while a college student." While a college stu-

dent? He was not going to class. He was ditching his whole last year at Oxford. He was taking the money and not doing the work. I have said that every night for a week, and not one of them has contradicted what I have said here. All they just say is "DORNAN is not telling the truth." But they will not come up with one fact, and they will not tell us exactly how long he was in Moscow, whether he went in by a train or plane, who greeted him there, how did he get his visa? Was it at 10 Kensington Palace Gardens, at the Russian Embassy? Is that where he got it? Let me finish this.

Arkansas newspaper says did he go while a college student. "Ms. Betsy Wright sighed. * * *" Is that not interesting to see in a hard core news story? Sighed. "* * * * then said the Rhodes scholar," he never got his Oxford degree, "had traveled to the Soviet Union during a break in his studies at Oxford."

Yeah, a year break in his studies at Oxford. I repeat, he was in Oslo a few days before.

"Despite the rumors," I guess she is referring to me, "he was alone. He did not travel the peace train with the Berrigan brothers."

That was my speculation a long, long time ago, last Wednesday, when I had only the barest of information here.

It goes on to say, "The Roman Catholic priests were Vietnam War protesters dumping blood on the files of draft boards, sneaking onto a SAC base with sledge hammers and beating on the wings of a B-52."

Did you gentlemen happen to catch Bill Buckley's column last week? He says now here is the problem with Mrs. Clinton, Hilary. The news media love to characterize our convention as a festival of hate and fear, and that we were beating up on this poor innocent wife who really did not want to do anything but bake cookies. Nothing about the volunteer organizations that she belongs to that gave money to the Communist Sandinistas in Nicaragua.

Here is the way Bill Buckley starts off. I have never seen him get this rough.

William Bennett raises a nice point when he writes in the current issue of National Review that a distinction should be made between the public and the private character of Bill Clinton. The private character has to do with whether or not he has lived scrupulously by his wedding vows. The public character has to do with whether he has deceived the American people. As a wag might put it, it is one thing to fornicate Gennifer Flowers; quite another to do so with the American public.

Here is the paragraph which former Secretary of Education and drug czar William Bennett makes his point.

The SPEAKER pro tempore. (Mr. VISCLOSKY). The Chair would remind the gentleman from California about the decorum of the House. The Chair will not diminish current protections against references to the President, Vice President, and Senators. The Chair acknowledges that under the precedence and practices of the House a greater degree of latitude does not exist with respect to references to nominated candidates for President and Vice President who are not incumbents or Members of Congress.

However, the Chair believes that in order to maintain decorum in the House, certain minimal standards of propriety in debate should apply to all nominated candidates for President and Vice President.

Thus, the record and character of such candidates may be properly debated without references which constitute a breach of decorum.

Mr. DORAN of California. Mr. Speaker, that ruling came down last week. Could I ask a question? Was anyone in this House consulted? Did we ever vote on that rule, or was it just arbitrarily handed down by the Speaker?

□ 0010

The SPEAKER pro tempore. (Mr. VISCLOSKY). The Chair has an obligation to maintain the dignity and decorum of the House. Words such as "liar" and "fornication" have been used in the debate, and the Chair has determined that that is a breach of the decorum of the House.

Mr. DORNAN of California. I was quoting from a distinguished columnist and national figure. Has been on television since I was in my early twenty's.

The SPEAKER pro tempore. The Chair cannot read, but the Chair can hear the words.

Mr. DORNAN of California. I will not continue.

Would it be, could I ask unanimous consent that Mr. Buckley's column be put in the RECORD, would that uphold the decorum of the House?

The SPEAKER pro tempore. That would not be proper to insert in the RECORD something that it would be improper to say on the floor.

Mr. DORNAN of California. Mr. Speaker, I agree. I will not put Mr. William F. Buckley, Jr.'s column in, a columnist for United Press Syndicate, in hundreds of American newspapers, but I will talk to Bill about it and tell him to not be so blatant in his writing so I can get it in the RECORD.

Here is the problem that comes from the legislative affairs office of the Secretary of Defense. He called me and said that he wants me to call a three-star general to request an amicus brief by the Department of Defense to support a lawsuit by a student's mother who wants to overturn in New York the Rochester School Board's decision not to allow military recruiters at any Rochester high school.

The reason that the courts have blocked temporarily Rochester high schools from allowing Army, Navy, Air Force military recruiters to seek young enlisted men and women for the military is these recruiters are not allowed to recruit out of the closet, outspoken, activist homosexuals, male or female.

In brief, the New York School Board made a decision on December 9 to impose such a ban in all the Rochester district high schools. A very brave, 17-year-old Rochester student and his mother have sued the city school district because of the ban and won in the New York Supreme Court. Now the parent and child are winning.

He gives me three pages from the New York Supreme Court decision, which I have read, not being a lawyer, it still is easily understood. However, the Rochester School Board has appealed the decision.

This is Jack Kemp country, for the 18 years he was a Congressman in Buffalo and Rochester. A number of leftist organizations are helping in the appeal against the New York Supreme Court, including the "Committee on Lesbians and Gay Men in the Legal Profession," and the Association of the Bar of the City of New York, the New York Civil Liberties Union Foundation, the Society of American Law Teachers and the Bar Association for Human Rights of Western New York.

Here is what is amazing. The Governor of Arkansas has aggressively gone after the proabortion vote, has said something that no candidate has ever said in the history of this Nation, that they will have a litmus test, that they will ask a nominee to the Supreme Court, prior to any decisions about a decision that will probably be heard, what he is going to do. And if he or she gives the wrong answer, they are out. They do not get to go before the Democrat-controlled other Chamber.

Then he says he will sign an Executive order within days, sort of the way President Carter kept his promise to immediately give amnesty to the draft dodgers, but he was qualified. He did not give it to all of them. I do not think this guy, if we had known, this guy David Ifshin would have qualified. He probably had a 4-F. He did not care too much about his political viability because he planned his life to run cover, to kind of craft, to suck up into the slot of someone.

Mr. CUNNINGHAM. Did he have a bad knee?

Mr. DORNAN of California. He was planning on drafting or sucking up behind the tailpipe of somebody like the Governor of Arkansas.

Mr. JOHNSON of Texas. You have got to have some proficiency to even suck up.

Mr. DORNAN of California. I did not mean to use a flying metaphor with two top pilots here.

President Clinton has said—I mean Governor Clinton, I hope that is not a Freudian slip.

Mr. CUNNINGHAM. That is a misspeak.

Mr. DORNAN of California. Governor Clinton has said with an Executive order, which he can do with his pen, he will order the Army, Navy, Air Force, and Marine Corps and the Coast Guard, which is under DOD in wartime, under the Department of Transportation in peacetime, he will order them to start recruiting out of the closet, activist lesbians and male homosexuals. That will destroy the morale, particularly an Executive order signed by a draft dodger who has been hiding his draft dodging.

This is the kind of thing America does not know about, and the networks will not tell this country. And that is why, SAM, tomorrow, you have already gotten a bunch of calls tonight, that is why tomorrow you are not going to be able to call your office in the morning. I could not call my office.

Mr. CUNNINGHAM. Where did he make those statements?

Mr. DORNAN of California. This is only a week old, a memorandum for me to call this lieutenant general and get him to file an amicus brief with the mother and the student.

Mr. CUNNINGHAM. What I want to do is show people that this is not something you are making up. It is documented.

Mr. DORNAN of California. Because the President, if it turns out to be Clinton, will order, the New York Supreme Court decision will be moot because he will order every—you know how motivationally inclined recruiters are. They look for the sharpest noncommissioned officers in the military, in the Navy and Air Force and Army, because these are what the parents see when a young person says, "I am inclined to go into military service. I would like you to meet my recruiter." Particularly if they are 17, maybe have been in a little trouble or juvenile, rambunctiousness, and a judge says, "Why don't you join the Marine Corps." And he has good parents. He is a victim of peer pressure maybe. They go down to meet the recruiter.

These are good-looking men and women, militarily sharp, intelligent.

To get an order from the President of the United States, next January, "I want you to actively recruit these people," I am telling you, Americans do not know what is going on in this election because the news media has picked their candidate. And are ripping the guts out of George Bush every time they get a chance.

Let me tell you what I am upset with. I have had a couple of media people hint, am I doing this in coordination from the White House. I have not had a single call or contact with the White House or on this subject material with our White House liaison in the last 10 days.

As a matter of fact, not even a thank you card, not even an awareness call. We understand what is going on.

To tell you the truth, the frustration in a lot of calls coming in to me, because generally we are inching dangerously close to that point, about 3 weeks out from the election, where the news media will then, through public pressure, when asked to discuss this, they will say, "I guess in an act of last-minute desperation, in a lunge toward negative, dirty campaigning, Congressmen DORNAN, JOHNSON, CUNNINGHAM, at the behest of the White House, are desperately seeking to bring up some pseudo-charges against Clinton about going to Moscow or dealing with ore-Hanoi war workers or organizing demonstrations in a foreign country against his nation and his policies which would have precluded him from ever becoming a corporal or a private first class, let alone an officer, let alone Commander in Chief."

What is frustrating me and why I am so late doing this, because generally we should have been doing this 2, 3, 4 months ago. We should have interjected ourselves, as Republicans, into the primary process of the majority party in this House, a great party through most of history, Thomas Jefferson's party, and maybe helped Senator BOB KERREY, a Medal of Honor winner who got his Medal of Honor not because of combat efficiency, because he led his men into an ambush. Just as President Kennedy got his PT boat cut in half on his very first combat mission, but showed his heroism and got his Navy Cross for rescuing his men who were drowning in the water, although he lost two.

Where did KERREY show his mettle and courage? Because bleeding to death, he made sure every enlisted kid was helicoptered off that island in Natran Harbor until he allowed himself to be helicoptered out.

I met him, of all bizarre places, in the men's john at the American Legion hall in Manchester, NH.

I said, "BOB, good to meet you. It is an honor I look up to guys like you. You are going to beat the pants off this draft dodger, aren't you?" Of course.

I went over to see him at a Senate hearing. I slipped in next to him and I said, "Have you ever read the Flowers tapes where he acknowledges his apology to Cuomo? It is he; have you really looked at it?"

I did not have a tenth of this stuff. He says, "I will never endorse that draft dodger."

He was out there on the grassy triangle on the House and Senate side the other day with a bunch of other honorable war veterans, and he rose from this House, so lusting to hold that White House, the Senate and the Congress, the House is not good enough for them.

□ 0020

They are ready to overlook all this stuff. They are not thinking it through, these men of conscience. They are letting their conscience dictate to them to not be part of this process.

With Ross Perot in the process, I want you to help me, DUKE, and SAM. I want you to help me get to this terrific American naval hero, James Bond Stockdale, and ask Jim if he will not make his mission as Ross Perot's winning man to bring out what we are trying to bring out here before this also Medal of Honor winner, Stockdale, Medal of Honor for combat inside the prison cells from his torture.

We do not want this country to end up confused, with high school kids saying, "Come on, smoke this joint. You know, the President did, and you know he inhaled."

Mr. CUNNINGHAM. James Stockdale is probably one of the few real American heroes that we have. He is an honorable man. I have known Admiral Stockdale and his wife, Sibyl.

Mr. JOHNSON of Texas. Sibyl is great. Can't you say there is only one candidate that actually dodged the draft?

Mr. DORNAN of California. Of the six candidates now, we have a Medal of Honor winner and a naval officer, Ross Perot is a naval officer, George Bush is a naval officer, AL GORE served, which was an act of bravery because his father was voting against the war and lost his seat in 1970. Although AL was only there 6 months as a newspaper reporter, it was an extra ounce of character to go.

Mr. JOHNSON of Texas. But he went.

Mr. DORNAN of California. Yes, he went and wore the Nation's uniform. If he didn't get shot at, he covered the heroes and respected the ones that did, although there is a new story coming out about his Desert Storm vote, but we cannot comment on Senators. That they have to get through calling our offices.

Today is the 2d. There are 29 days left in this month, and we do not count the 3d. There are just 2 actions day next month. Thirty-one days and it is all over, counting tomorrow. Then we start voting across this country.

I want to apologize for not doing this on the floor months ago. Here is my weak excuse. I thought the White House would be doing it; I mean, the campaign. I thought my friend DAN QUAYLE, my classmate from 1976, Bob Walker's classmate, GEPHARDT is my classmate, AL GORE is my classmate, I thought DAN would be out on the trail doing this. I thought Jim Baker would be doing this.

Jim Baker, Mr. Speaker, if I had him here I would be on my knees to him, "Do this. We have to let this soak in. We cannot do it 10 days from now." The media are going to push it in our face, I repeat, "Desperate last-minute attempt at smearing Clinton's record."

Why hasn't this been brought out by all these talented people in our own

party, with 75,000 jobs of good men and women all around the world, most of them concentrated in the executive branch here? Why haven't they been bringing this out?

I had intended tonight, until you two heroes offered to join me, to do a whole hour on the economic shenanigans, the middle-income taxpayer problems. I will do that tomorrow.

Mr. CUNNINGHAM. That is probably the real crux of the importance, BOB. I look forward to that special order, to show the economics, not only the effect on the military but the cut in defense. People like this on his staff are going to be making decisions, not only how it is going to affect the military, but the President has vowed to cut defense only 30 percent; I say only 30 percent, and in most States that is devastating to the economy. Can you imagine, and that equates to $50 billion, can you imagine a Governor that wants to cut defense by $250 billion, not only how it will affect the readiness of this country?

I do not think any of us think there will not be another conflict in 20 years. Every man and woman in this country that has a young son or a young daughter that may be thrust into that, or in the past, would they want their children subjected under fire to no equipment, ill training, and with low morale?

I think the economics and how it will affect this country, most people are mad. Today I go in my district and they are mad as hornets. They are losing jobs. The economy is bad. The recession is bad. I think it is very, very important that we address in another special order how this economy will be affected, and the military.

Mr. JOHNSON of Texas. Clintonomics is nothing but a disaster waiting to happen. As you know, it does not address the budget. It does not address balancing the checkbook.

Mr. DORNAN of California. That is what keeps Perot motivated.

Mr. CUNNINGHAM. One thing, it makes me mad every single day, especially when the Governor comes out and says, "Look, the President moved his lips." Ronald Reagan used to tell the other side of the aisle basically where to go, and when they did not achieve his economic policy, then he would go to the American people. George Bush tried to conciliate and work the other side of the aisle. In that conciliation he said, "Ok, I will raise taxes," and this is what that deal was. I do not think the American people understand it, Mr. Speaker.

What the President's deal, when he moved his lips, was that for every dollar that comes in, and we want to balance the budget today, and they are talking about raising taxes to do it, but the deal that the President made was that for every dollar that comes in we will cut spending by $3. They are spending $9 today. The military construction where they said just last week that we voted on, we came in under the President's budget and they belt themselves on the chest, but if we look at the pork barrel projects that went into individual Members because of all that Members said, that we are drawing back from Europe, they said, "Let us have a peace dividend." The peace dividend is going to individual pork within individual Members' districts, not toward the deficit.

Mr. DORNAN of California. Let me enlist your help in something. First of all, in a battle between a great Irish politician from Boston and our Whip, before he was Whip, about using these special orders to communicate with the American people, a privilege for the lowly minority status of those of us in the Republican Party who have been stripped of all of the powers of the minority that I recall having here in 1977 and 1978.

Mr. CUNNINGHAM. Under the Committee on Rules.

Mr. DORNAN of California. Where I thought "What a great Congress, what a great country, that I can come here as a minority member and amend things on the floor all the time." I passed 40 amendments in my first 2 or 3 years. I do not think I have passed that many in the following 10 years, the way the rules have been tightened down here.

This is what a gentleman said who used the complimentary word, he said he was riveted to his set. He is an Academy Award caliber actor. I would not mention his name on the floor if you guys tortured me, because Hollywood is so radically far left.

Mr. CUNNINGHAM. I know who it is.

Mr. DORNAN of California. This man's career is doing pretty well. No more clues.

He called me with this suggestion. "I need your help."

Mr. CUNNINGHAM. It is not Charlton Heston.

Mr. DORNAN of California. He said, "Congressman, I know you said about a million people are watching live;" no dead people are watching except our friends in heaven. He said, "Over a million live Americans, most of them with us on this." I have received one-half of 1 percent negative calls, and some of them have been polite, trying to understand. They were for Clinton, and trying to understand why they have not found this out, am I making it up.

He said, "I understand there are a million people watching, but Congressman, when you are alone on the floor, or anybody is alone, Mr. GONZALEZ on the other side, there is a feeling that I am watching a man speaking about Jesus, truth, or religion on a corner." You know, he is right. You respect his effort. He has a cup. You walk by and you put a dime in it, but you feel sorry for him.

He said, "No matter how many times you say," and I usually start off every special order by saying, "Don't worry when the cameras pan an empty Chamber, don't worry, there are plenty of Members listening in the offices." The gentleman from Michigan [Mr. BROOMFIELD] told me he has been watching every night for a week at home, a man who has been here since 1956, retiring with all his flags flying and his honor intact; here is what this very distinguished craftsman in the art said.

He said, "Why can't you get your caucus to have 50, 60, 70 Members on the floor," we have only got 3 days to go, in a final special order where DUKE takes one lectern, you take the other, I take one, DUNCAN HUNTER takes that one, we have available the other leadership mikes over there, three of them, and we have this big, mass colloquy, and people see Republicans together discussing these serious issues, following the decorum of the House.

I have assiduously, over the last 2 days, and you two guys slipped, I should have warned you, no lying, but I learned from SAM GEJDENSON after the Speaker came down with his arbitrary rule, unvoted upon, that I will basically support, SAM GEJDENSON got right and said, "When is President Bush going to start telling the truth?" he didn't call him a liar, but he was asking when he was going to start telling the truth, which inherently means the President is lying.

So I got right up and I said, "Well done, my colleague from Connecticut. When is Bill Clinton going to start telling the truth about his draft? I am doing a special order tonight.

So that is the way we do it now around here. No more "liar"; a little rough, Bill Buckley's column. I will call Bill up in the morning, chew him out, and say, "Use another word. Use French, you have 'liaison, dangerous liaison.'"

Mr. CUNNINGHAM. May I ask a question, BOB? Is this the same individual that wrote the rule, and I do not know where the rule came from, is this the same one that said there was no problem with the House bank, that said there was no problem with the House post office?

□ 0030

Mr. DORNAN of California. I stumbled on a few of those things, and he has got his own problems in his own party hanging on to leadership. But I just wonder if you guys would help me go to our Browning automatic rifle, BAR, the highest firepower in the infantry squadron from the Second World War. BOB MICHEL proudly wears the Bronze Star, which you guys both have, and under it the Purple Heart, which you both have. Let us go to BOB and say BOB, instead of having our conference call over in room 2167, arguing about how we are going to create our

leadership when we may be smaller than we are right now if the President does not close this gap, and I do not care if it is 9 points, or 21 points, the clock is ticking, and we are running out of time, let us have our conference call right here on the House floor, Sunday, or Saturday evening in front of all of America and discuss these issues. Because I can tell you what some of our sharper Members are traveling around the country like me for challengers and making most of the speeches for President Bush, they are agreeing with me that we may lose 48 Republican seats or more, about 10 or 12 incumbents and about 30 other challengers by one point, a negative coattail. In other words, President Bush not only not having coattails, but a deadening effect on our races. And we will have plenty of room in the little snack bar to get a hot dog or a tuna sandwich, because there are going to be about 143 of us, which is what was here when I came under President Jimmy Carter and watched our economy and the misery index go right in the dumpster. Will you help me ask BOB, and I am saying it openly so that all Americans can write to their Republican Congressmen and say get on the floor Sunday night, when the election is 29 days away, and help support Congressman DORNAN and these Navy and Air Force heroes discussing what we are up against, this impending disaster, if Ifshin is the head of the transition team picking Americans for 70,000 jobs across this country. What about doing that Sunday evening, DUKE?

Mr. CUNNINGHAM. I will be happy to.

Can I shift just a little bit. I would like to shift and take a look at 2 years ago when I joined this body, and just a few years before that I worked at the Navy Fighter Weapons School, which is called Top Gun.

Mr. DORNAN of California. Everybody knows that.

Mr. CUNNINGHAM. And our whole thrust was the Sino-Soviet fighter pilots and fighting Soviet tactics and deterring the nuclear threat. I would like the Speaker to reflect and think back just 5 years ago, 4 years ago of what this country's potential of going to war and nuclear war was. A few years ago one of the items that I asked of what was one of the main concerns of the American people, it was nuclear warfare.

The presidency under President Bush, take a look at the Soviet wall that has come down. That means a lot to the American people. Take a look at that fleeting away.

Remember during Desert Storm when the missiles were coming, and we had our Patriots stop them, and people were thinking what would our children do, what fear would we have, what fear would we have if that is a nuclear weapon. And during President Reagan and during President Bush that threat has gone away.

I want to ask you do you think that if Clinton had been President for those years that this could ever have been achieved?

Mr. DORNAN of California. If Admiral Crowe, highly decorated for staff work, all of his career submarines were never called into combat, and that is not his fault, if he were President we would be sitting here right now seeing these ineffectual sanctions not working, and Iraq, because that war ended a year ago February, Iraq would now have a nuclear device. They would have biological and chemical warfare that would give you nightmares. The NBC, nuclear, biological, chemical warfare they almost developed, and we still do not know where their secret places are hidden because they are jockeying around and jacking around the entire U.N. investigation team.

Mr. CUNNINGHAM. If the President had not acted in Desert Storm, can you conceive of the price of gasoline and heating oil with winter coming up, and the people that would not have heating. And in this country we actually have people that die because they cannot afford fuel. And how many lives would we have lost just because of our oil stores being drained in this country?

This is what I am referring to as we talked about the ills of Governor Clinton. But I would like to reflect just a little bit on what the administration has done for this country that is also the positives. Look at the Soviet wall that has come down. Look at foreign policy. I want to tell you in the 2 years that I have been here I have seen this House shut down. And what you are talking about, there is quite often where we are not even allowed to bring up an amendment under the rules, and the President's economic policies, his domestic policies are shut down by this body.

And he has focused a lot on foreign policy because he did not have to deal with the U.S. Congress. But look at the things that he has done. Look at the Soviet Union, and look at the direction that they are going to become a democracy. Look at the potential of free trade in this country. And if we do not get involved in free trade in the next decade, we are going to be lost, with 400 million people in Europe, and the Asian community is being very proactivist. And if this country does not ally itself, I personally feel we are going to die economically.

The President is trying to make these changes. He is trying to make changes in education.

My wife is a principal.

Mr. DORNAN of California. My brother is a high school teacher.

Mr. CUNNINGHAM. She used to be a teacher and I used to be a teacher. And I think we have got very good teachers and very good programs in this country, hundreds and thousands of programs. But something is wrong, and we need to take a look at it, and the President is trying to do that.

But I sit on the Education and Labor Committee, and his ideas and his thoughts have not been allowed to come forward.

Mr. DORNAN of California. Listen to the letter Clinton wrote to Colonel Holmes, Bataan death march survivor, 28 days before Clinton left for Moscow. You see, I have this new frame of reference, that his whole team admits 28 days before he left for Moscow he writes this first, and he said there was a time when not many people had more information about Vietnam at hand than I did. Now he is describing himself to Koppel as a boy, but he is Mr. Smart. He has got all of the facts, and hardly anybody in the country knew as much as he did, working as an intern for Fulbright for 3 months.

Then a few paragraphs later, five paragraphs later he says, lecturing this Bataan death march survivor of 3½ years' captivity, and I would not say these men were tortured any more than the handful of you who took the worst of it, and you had 3½ years in solitary confinement. I do not know of anybody in World War II that had that many, but you know, I know you tip your hat to these heroes, because 40 percent did not come home. The Japanese killed off 40 percent of our POW's. We only lost 1 percent of Hitler's stalag camps, at least.

Mr. JOHNSON of Texas. And those guys were the real heroes, and they protected our rights, and the right that we have right now for this speech.

Mr. DORNAN of California. That is correct, our right to speak right now.

Here is boy Clinton lecturing this lifetime, career military colonel about warfare. He says to Colonel Holmes, "Now, the draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight if the Nation was to survive."

We could have cut a deal at any time with Japan or with Hitler. It would have been an ignominious sellout, but we could have said well, we will be safe for a while, peace in our time. Hitler even was willing to cut a deal with England, and said you let me rule here and you will have the British Isles, and I will let you keep your empire, but make sure that I get those colonies here and here. But he said we had to fight if the Nation was to survive and for the life of the country and a way of life.

"Vietnam is no such case," Colonel Holmes, he says. "Nor was Korea an example where, in my opinion, certain military action was justified."

You wasted your time with your six missions in Korea.

"But the draft was not, for the reasons stated above." I left out the para-

graph where he attacks the draft. He says now imagine someone being called up in a Desert Storm type, or Panama, or Grenada liberation-type military effort under President Clinton, imagine that you are a GI coming before say a squadron, or a CO, or a running top gun, and some guy says DUKE, or Skipper, CO, my wife and I have been talking this over, and we have a new little baby, and now we have three kids, and the baby cries with us all the time, and here's my orders. And I am reading from the letter of when he was 23 years old, a boy, and he says, "No government really rooted in limited parliamentary democracy should have the power to make its citizens fight, kill and die in a war they oppose, a war which may even be wrong, a war which in my case does not involve immediately peace and freedom of the Nation. I don't think Panama involves or Grenada involves my freedom." He doesn't think the soldiers who were executed by the Communist guerrillas in Honduras a year ago, shot at point-blank range after their helicopter crash going back to Honduras from El Salvador, he does not think they should have been there. They could have registered on their own an individual problem. Then the next paragraph is Vietnam, and Vietnam is no such case.

Then Clinton goes on.

□ 0040

Because of my opposition to the draft and the war, my future trip coming up to Moscow in 4 weeks, I have got sympathy with those who are not willing to fight, kill, and maybe die for their country (i.e., the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year.

I hope in 1968 and 1969 he went to class and wrote something else other than this. There are no term papers to be turned in at Oxford. There are no quizzes, no exams, so maybe that is the only thing he wrote to help some Mississippi privileged young man over there in England beat his draft board.

Why has not the White House found this guy? I mean, the political arm of the White House, the campaign, now that Jim Baker is there with all his skills from being Secretary of State. Why have they not found this Mississippi man? Why can I not find out his name, and why can I not go down there and interview him? I am telling you I am not going to forget this for the rest of my life that I have been out here, until you guys joined me, trying to bring some truth to the American people about a man who is not worthy to tell the President's own Marine Corps band or the Army band or the Singing Sergeants or the Army violins to play any song. How can this man stand in the sound of a John Philip Sousa song written in the 1890's when my dad was a little boy, how can he have the authority to do that with this mixed track record and surrounding himself with traitors like David Ifshin?

No, the country ought to somehow or other figure out how to force the 740 papers plus dailies across this country to print this Moscow thing and some reporter somewhere, some man or woman has to have the guts to say to him, and where's my notes on what I would say to him, to simply say this, "We know you were in Oslo, Norway, Mr. Governor, somewhere around December 12, 1969, or thereafter, and we know you showed up in Moscow on December 31. Your staff tells us this. They say you stayed until on or about January 7. Accordingly to Father McSorley, whom you were with in Oslo, you met with so-called peace groups. Did you meet with peace groups in the Soviet Union?

Mr. CUNNINGHAM. Is this where they organized the skulls with our pilots and the eyes——

Mr. DORNAN of California. That was at the embassy in London. McSorley was present there. "McSorley named his book after you. You were seeing the world through peace eyes. What did your peace eyes see when you got to Moscow at 26 degrees below? Where did you go after Norway and before you got to Moscow? There's about 3 weeks in there where you were rummaging around Europe meeting with these people who were all pro-Ho Chi Minh who had died 2 months before on December 3, 1969; who did you meet with, Governor? What did you do there? Was it more peace work, sir, and regarding Moscow, where did you stay? Who paid for it? Who did you meet with?" Et cetera, et cetera, et cetera. "Now, given what we know about your activities in London, Mr. Governor, did you not say in your letter to Holmes you organized those demonstrations, and did you not brag you led them? Tell us about that? Did you organize the singing? Did you sing these chants against LBJ, how many babies did you kill today, Ho, Ho, Ho Chi Minh, the Viet Cong is going to win? Did you sing that? Now, as you revealed in the Oslo trip, it does not take a great deal of imagination to figure out what you might have been doing in Moscow. Now, tell us about your pattern of behavior. Who did you meet with in Moscow? Are you willing, as a man, to admit that they might have been KGB agents who manipulated the whole peace movement in their country at least?"

Over here, the KGB documents say they did not have to do much to encourage people here. They had themselves whipped into such a frenzy partly by the political manipulation of our military, and then the people unfortunately, and America has learned better now, but they blamed our military people. They dropped bags of feces, and that is a medical word, Mr. Speaker, they dropped bags of feces off the Golden Gate Bridge on the deck of aircraft carriers like your *Constellation* or like the *Oriskany*. I still have not gotten around to reading the book "The Heart of a Man."

The point is: Why are not the media asking about his wanderings around Europe and going into the enemy capital that totally funded and actually, as it did in Korea, which they are admitting now, Soviet documents are admitting now that they ordered the North Koreans to cross over the 38th parallel on June 25, 1950, and that was a Stalin-run operation, and when he died on March 5, 1953, a couple of months after I was on Air Force active duty, Eisenhower was the new President and had the wherewithal to see this thing through with seven words which we never had the guts to use in Vietnam, "No restriction as to weapons or territory." Bingo, July 27, 1953, before I could even get into pilot training, the war was over.

Now, what did he do? Where was his heart? Here is his catch-22. If he tells the truth, which is as plain as the nose on our faces, he loses the election. If he hides the truth and thereby submerges his honor——

Mr. CUNNINGHAM. And the press does not bring it out.

Mr. DORNAN of California. The press has complicity in this. Then he wins the Presidency and does not have the moral authority to tell anybody in the military to do anything. He does not have the moral authority to tell a kid in high school not to smoke pot when he is going on MTV with junior, junior, junior high school kids and telling them, "I am going to get you condoms," and I have to listen to these children on MTV, that sleazy network that puts out that Madonna anti-Christian garbage, I have to watch this guy stroking junior high school kids as though they could vote, telling them he is going to get them condoms.

Yes, DUKE.

Mr. CUNNINGHAM. BOB, how does a man like Governor Clinton stand up before the American people, hold up his right hand and say,"I swear," swear with what character, "I swear to defend the Constitution," and in that Constitution in the preamble it says provide for the common defense, which he has not. How does he stand up and swear to that, to defend it against all enemies which he turned his back on this country, foreign and domestic, and if you look at the domestic record of Arkansas, which is a disaster, he is a domestic enemy, and he was an enemy to this country and to me and to SAM when we almost gave our lives in Vietnam and over 58,000 all of which names are on that wall? How does a person like that with any reflection in his

heart stand up and make a pledge like that after what he has done to this country?

Mr. DORNAN of California. Gentlemen, what do you say we give these good, hard-working folks here a break and yield back some of this time?

I do not know if you gentlemen want to join any more special orders. I am going to do one Saturday and Sunday, and that is about a wrap for the 102d Congress. There is not much heavy lifting around here at Christmas time.

We will be back in January with the 103d Congress if we all get reelected. I think all of us have pretty fair races, so it is more God and health problems than anything to see us back. But help me with BOB MICHEL, our World War II combat infantryman. He was wearing his combat infantryman badge today. Ask BOB to help us get a small crowd here so we do not embarrass the million people who are watching us.

You know, if this were a stage, we would have a penlight, and they would not be panning this Chamber and there would be a little more focus and attention. That panning of the Chamber, I repeat for the umpteenth time, was done to demean any Member of this Congress, any man or woman who comes in that well for a special order, which until it is wiped out, and there is a little movement to do that, to eliminate our 1-minute pressure valve at the beginning of the day, and to eliminate these special orders which was one of the last privileges in the minority, and until that happens, I state again, it is an ugly, offensive breach of decorum to have the camera, under the Speaker's orders alone, pan this Chamber to embarrass us, that we are fools and idiots in here, in a cave of wind speaking to no one.

Over a million Americans are watching us tonight. Let them go to their local papers and local TV channels and see if we can get proper coverage locally that we cannot get out of the island of Manhattan where there is this dominant media culture of liberals, most of them, almost every one of them who dodged the draft.

I said here weeks ago, ask one of these network executives, "What is your branch of service," and their eyes will glaze over. This is their candidate. These are the people in their sitcoms who paper over and make light of Christian values like respecting your marriage vows.

This is their candidate, and they are pushing him in our face, and I want the Americans across this country, with a few days left, to demand that this be covered and that some man or woman have the guts to pin down this frozen smile, jackanapes, all biting his lower lip, and his fake jogging with that spare tire around his middle, ask this man what he did in Moscow, and what KGB agents he met with, and let him plead ignorance on that point. I will accept it if he did not know what he was doing, Boy Clinton, but if Ed Koch, he was a 19-year-old combat veteran, and I am going to straighten him out if nobody else in the New York market will. I am going to as many radio interviews as I can about this country and turning down about 50 a day, I might add.

You guys have anything left to say? I will be back tomorrow.

Mr. CUNNINGHAM. BOB, I would like to personally thank you again. We would not have to do this if it were being properly covered in the media.

Why is not the media bringing these same facts that you found out in an important, in what I think is the most important position in this country? You would think that the people that print and record candidates' character, integrity, and those who take responsibility would dig in that.

□ 0050

And if they would be doing your job, you would not have to do this. I want to personally thank you. I know thousands of calls I got in the office today, every single one of them was supportive.

Mr. DORNAN of California. One little promise. Yesterday I mentioned one of your citizens, Roger Staubach. I think he was born in Ohio, Cincinnati, but he adopted your State. I got his records here, his Vietnamese records. What a guy, to give up 4 years after Annapolis. He graduated in 1965, and he was in Vietnam when Clinton was out with a deferment.

Mr. CUNNINGHAM. I want you to know that he was a Navy quarterback.

Mr. DORNAN of California. That is right, Navy quarterback. Heisman Trophy winner in his junior year. And I have got Ted Williams, an unbelievable baseball record, stats; enshrined in the Baseball Hall of Fame, as is Roger and Ted Williams.

Mr. JOHNSON of Texas. Ted Williams flew in Korea.

Mr. DORNAN of California. That is right. We discussed that last night before you started watching. Ted bellied in. I will put those records into the RECORD about these two great heroes to show the difference between somebody, a great star athlete in baseball and also in football, who give up the best years of their youth to serve their country, that is duty, honor, country. I would put a title on all our remarks tonight: "Why Is the Truth Crushed by Major American Media?"

Mr. JOHNSON of Texas. With honor and integrity at the fore, I just want to thank you for bringing up Roger's name. Roger is cochairman of my campaign, as a matter of fact.

So I thank the Speaker for awarding us the time and give back the balance of the time.

CONFERENCE REPORT ON H.R. 707, FUTURES TRADING PRACTICES ACT OF 1992

Mr. DE LA GARZA submitted the following conference report and statement on the bill (H.R. 707) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service to governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes:

CONFERENCE REPORT (H. REPT. 102-978)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 707), to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Futures Trading Practices Act of 1992".

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

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to the Commodity Exchange Act.

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

Sec. 101. Dual trading.
Sec. 102. Restrictions on trading among members of broker associations.
Sec. 103. Broker association disclosure.

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

Sec. 201. Duties of contract markets; audit trails.

Sec. 202. Commission oversight; deficiency orders.
Sec. 203. Oral Orders.
Sec. 204. Telemarketing fraud.
Sec. 205. Undercover operations and enforcement.
Sec. 206. Self-regulatory organization disciplinary committees and governing boards.
Sec. 207. Required registration of floor traders.
Sec. 208. Enhancement of registration requirements.
Sec. 209. Enforcement of civil money penalties.
Sec. 210. Ethics training for registrants.
Sec. 211. Nationwide service of process and venue.
Sec. 212. Increased penalties.
Sec. 213. Contract market emergency actions.
Sec. 214. Prohibition against insider trading.
Sec. 215. Qualifications of Commissioners.
Sec. 216. Commission operations.
Sec. 217. Prohibition on voting by interested members.
Sec. 218. Study of assessments on transactions.
Sec. 219. Competitiveness study.
Sec. 220. Computerized futures trading.
Sec. 221. Money penalties in civil court actions.
Sec. 222. Civil damages; liability of futures commission merchants.
Sec. 223. Customer restitution.
Sec. 224. Complaints against registered persons; class action suits.
Sec. 225. Penalties study and guidelines.
Sec. 226. Publication of Commission opinions.
Sec. 227. Suspension of registrants charged with felonies.
Sec. 228. Appeals by registered futures associations.
Sec. 229. Risk assessment for holding companies.

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

Sec. 301. Subpoena authority.
Sec. 302. Cooperation with foreign futures authorities.
Sec. 303. Investigative assistance to foreign futures authorities.
Sec. 304. Disclosure of information received from foreign futures authorities.
Sec. 305. Disclosure of information to foreign futures authorities.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

Sec. 401. Authorization of appropriations.
Sec. 402. Technical amendments.
Sec. 403. Effective date.
Sec. 404. Definitions.

TITLE V—INTERMARKET COORDINATION

Sec. 501. Margin on stock index futures.
Sec. 502. Exemptive authority.

SEC. 2. REFERENCES TO THE COMMODITY EXCHANGE ACT.

Except as otherwise specifically provided, 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 Commodity Exchange Act (7 U.S.C. 1 et seq.).

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

SEC. 101. DUAL TRADING.

(a) PROHIBITION.—Section 4j (7 U.S.C. 6j) is amended—

(1) by redesignating paragraphs (1) and (2) as subsections (b) and (c), respectively;

(2) in subsection (b), as so redesignated, by striking "The Commission shall within nine months after the effective date of the Commodity Futures Trading Commission Act of 1974, and subsequently when it determines that changes are required," and inserting "If, in addition to the regulations issued pursuant to subsection (a), the Commission has reason to believe that dual trading-related or facilitated abuses are not being or cannot be effectively addressed by subsection (a), the Commission shall"; and

(3) by inserting a new subsection (a) to read as follows:

"(a)(1) The Commission shall issue regulations to prohibit the privilege of dual trading on each contract market which has not been exempted from such regulations under paragraph (3). The regulations issued by the Commission under this paragraph—

"(A) shall provide that the prohibition of dual trading thereunder shall take effect not less than 30 days after the issuance of the regulations;

"(B) shall provide for exceptions, as the Commission determines necessary and appropriate, to ensure fairness and orderly trading in affected contract markets, including—

"(i) transition measures and a reasonable phase-in period,

"(ii) exceptions for spread transactions and the correction of trading errors,

"(iii) allowance for a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer, notwithstanding the regulations to prohibit the privilege of dual trading required under this paragraph, and

"(iv) other measures reasonably designed to accommodate unique or special characteristics of individual boards of trade or contract markets, to address emergency or unusual market conditions, or otherwise to further the public interest;

"(C) shall establish procedures for the application for an issuance of exemptions under paragraph (3) which, among other things, shall specify the relevant data required to be submitted by the board of trade with each application;

"(D) shall specify the methodology by which it shall determine the average daily trading volume on a contract market for purposes of paragraph (4) based on a moving daily average of either 6 or 12 months; and

"(E) shall establish an expeditious procedure to revoke an exemption granted under paragraph (3) providing sufficient notice, opportunity for hearing, and findings to assure fundamental fairness.

"(2) As used in this section, the term 'dual trading' means the execution of customer orders by a floor broker during any trading session in which the floor broker executes any trade in the same contract market for—

"(A) the account of such floor broker;

"(B) an account for which such floor broker has trading discretion; or

"(C) an account controlled by a person with whom such floor broker is subject to trading restrictions under section 4j(d).

"(3) The Commission shall exempt a contract market from the regulations issued under paragraph (1), either unconditionally or on stated conditions (including stated periods of time) relevant to the attainment or maintenance of compliance with the standards in subparagraphs (A) and (B), upon finding that—

"(A) the trade monitoring system in place at the contract market satisfies the requirements of section 5a(b) with regard to violations attributable to dual trading at such contract market; or

"(B)(i) there is a substantial likelihood that a dual trading suspension would harm the public interest in hedging or price basing at such contract market, and

"(ii) other corrective actions, such as those described in section 8e, are sufficient and appropriate to bring the contract market into compliance with the standard in subparagraph (A).

"(4)(A) The regulations issued by the Commission under paragraph (1) shall not apply to any contract market in which the Commission determines that the average daily trading volume is less than the threshold trading level established for the contract market under this paragraph.

"(B) The threshold trading level shall be set initially at 8,000 contracts.

"(C) The Commission may, by rule or order—

"(i) increase, or

"(ii) at any time following the date three years after the date of enactment of this paragraph, decrease,

the threshold trading level for specific contract markets after taking into consideration the actual or potental effects of a dual trading ban on the public interest in hedging or price basing at the affected contract market.

"(D) The Commission shall provide the affected contract market with adequate notice of any such increase or decrease.

"(5) Before the Commission denies an application for an exemption under paragraph (3) or exempts a contract market subject to conditions, it shall—

"(A) provide the affected board of trade with notice of the reason or reasons that the application was not approved as submitted, including—

"(i) any reason the Commission has to believe that the trade monitoring system in place at the contract market does not satisfy the requirements of paragraph (3)(A) and the basis for such reason;

"(ii) any corrective action or actions, such as those described in section 8e, that the Commission believes the affected contract market must take to satisfy the requirements of paragraph (3)(A), and an acceptable timetable for such corrective action; and

"(iii) any conditions or limitations that the Commission proposes to attach to the exemption under paragraph (3);

"(B) provide the affected board of trade with an opportunity for a hearing through submission of written data, views, or arguments and, under terms set by the Commission at the request of the board of trade, through an oral presentation of views and comments to the Commission, in order to make the demonstration required under paragraph (3) or otherwise to petition the Commission with respect to its application; and

"(C) make findings, based on the information, views, and arguments place before it in connection with the application, as to whether—

"(i) the standard in either paragraph (3)(A) or (3)(B) applies; and

"(ii) any conditions or limitations which the Commission proposes to attach under paragraph (3) are appropriate in light of the purposes of this subsection.

The Commission shall publish in the Federal Register notice of any exemptive petitions filed under paragraph (3) and any proposed or final actions the Commission may take on such petitions.

"Unless the Commission determines that more immediate action is appropriate in the public interest, any Commission order denying an application or exempting a contract market conditionally shall not take effect for at least 20 days following the issuance of the order.

"(6) Violation of an order issued under this subsection shall be considered a violation of an order of the Commission for purposes of—

"(i) establishing liability and assessing penalties against a contract market or any director, officer, agent, or employee thereof under section 6b or 6c; or

"(ii) initiating proceedings under section 5b or 6(a).

"(7) Any board of trade which has applied to the Commission to exempt a contract market from the regulations issued under paragraph (1) may obtain judicial review of any final action of the Commission to deny such application, to

issue an exemption subject to conditions, or to revoke an exemption, only in the United States Court of Appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, under the standards applicable to rulemaking proceedings under section 553 of title 5, United States Code.

"(8)(A) The Commission shall issue the regulations required under paragraph (1) not later than 270 days after the enactment of this section. If, prior to the effective date of the prohibition on dual trading under such regulations, a board of trade submits to the Commission an application for an exemption for a contract market under paragraph (3), the Commission shall not apply the prohibition against dual trading under paragraph (1) to the contract market until the Commission has approved or denied the application.

"(B) The Commission shall approve or deny any application for an exemption under paragraph (3) within 75 days after receipt of the application, or as soon as practicable.".

SEC. 102. RESTRICTIONS ON TRADING AMONG MEMBERS OF BROKER ASSOCIATIONS.

(a) IN GENERAL.—Section 4j (7 U.S.C. 6j) is amended by adding at the end the following new subsection:

"(d)(1) Except as provided in paragraph (2), a floor broker may not execute an order of a customer if such floor broker knows the opposite party to the transaction to be a floor broker or floor trader with whom such trader or broker has a relationship involving trading on such contract market as—

"(A) a partner in a partnership;

"(B) an employer or employee; or

"(C) such other affiliation as the Commission may specify by rule.

"(2) Paragraph (1) shall not apply—

"(A) if the Commission has adopted rules that the Commission certifies to Congress require procedures and standards designed to prevent violations of this Act attributable to the trading described in paragraph (1); or

"(B) to any contract market that has implemented rules designed to prevent violations of this Act attributable to the trading desribed in paragraph (1), except that, if the Commission determines, by rule or order, that such rules are not adequate to prevent such violations, paragraph (1) shall become effective with respect to such contract market after a resonable period determined by the Commission.".

(b) Effective Date.—The amendment made by subsection (a) shall become effective 270 days afte the date of enactment of this Act.

SEC. 103. BROKER ASSOCIATION DISCLOSURE.

Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(a)(1) and 217 of this Act) is further amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting a semicolon; and

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

"(13) provide for disclosure to the contract market and the Commission of any trade, business, or financial partnership, cost-, profit-, or capital-sharing agreements or other formal arrangement among or between floor brokers and traders on such contract market where such partnership agreement or arrangement is material and known to the floor broker or floor trader;".

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

SEC. 201. DUTIES OF CONTRACT MARKETS: AUTIT TRIALS.

(a) IN GENERAL.—Section 5a (7 U.S.C. 7a) is amended—

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

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

"(b)(1) Each contract market shall maintain and utilize a system to monitor trading to detect and deter violations of the contract market's rules and regulations committed in the making of trades and the execution of customer orders on the floor or subject to the rules of such contract market. The system shall include—

"(A) physical observation of trading areas;

"(B) audit trial and recordkeeping systems able to capture esential data on the terms, participants, and sequence of transactions (including relevant data on unmatched trades and outtrades);

"(C) systems capable of reviewing, and used to review, data on trades effectively on a regular basis to detect violations committed in making trades and executing customer orders on the floor or subject to the rules of such contract market, including—

"(i) all types of violations attributable to dual trading; and

"(ii) to the full extent feasible, as determined by the Commission, all other types of violations involving the making of trades and the execution of customer orders;

"(D) the use of information gathered through such system on a consistent basis to bring appropriate disciplinary actions against violators;

"(E) the commitment of resources to such system necessary for such system to be effective in detecting and deterring such violations, including adequate staff to develop and prosecute disciplinary actions; and

"(F) the assessment of meaningful penalties against violators and the referral of appropriate cases to the Commission.

"(2) The audit trail system of the contract market shall, consistent with Commission regulations, accurately record—

"(A) the times of trades in increments of no more than 1 minute in length; and

"(B) the sequence of trades for each floor trader and broker.

"(3) Beginning 3 years after the date of enactment of this subsection, the audit trail system of each contract market, except as provided in paragraph (5) and except to the extent the Commission determines that circumstances beyond the control of the contract market prevent compliance despite the contract market's affirmative good faith efforts to comply, shall—

"(A) for all trades, record accurately and promptly the essential data on terms, participants, and times as required by the Commission by rule, including the time of execution of such trade, through a means that—

"(i) records such data in a form which cannot be altered except in a manner that will leave a complete and independent record of such alteration;

"(ii) continually provides such data to the contract market;

"(iii) identifies such time, to the extent practicable as determined by the Commission—

"(I) independently of the person making the trade;

"(II) through a mechanism that records the time automatically when entered by the person making the trade; or

"(III) through such other means that will capture a similarly reliable time; and

"(iv) is adequately precise to determine, to the extent practicable as determined by the Commission by rule or order—

"(I) the sequence of all trades by each floor trader; and

"(II) the sequence of all trades by each floor broker; and

"(B) to the extent practicable as determined by the Commission by rule or order, for customer trades, record the time that each order is received on the floor of the board of trade, is received by the floor broker for execution (or when such order is transmitted in an extremely rapid manner to the broker), and is reported from the floor of the board of trade as executed, through a means that—

"(i) records such times in a form which cannot be altered except in a manner that will leave a complete and independent record of such alteration;

"(ii) continually provides such data to the contract market;

"(iii) identifies such time—

"(I) independently of the person making the trade or processing the order;

"(II) through a mechanism that records the time automatically when entered by the person making the trade or processing the order, as appropriate; or

"(III) through such other means as will capture a similarly reliable time; and

"(iv) is adequately precise to determine—

"(I) the sequence in which, for each futures commission merchant, floor broker, or member firm, as applicable, all orders are received on and reported from the floor of the contract market; and

"(II) the sequence in which orders are received by each floor broker for execution.

"(4) The Commission may, by rule, establish standards under which the audit trail systems required under paragraph (3) shall record, to the extent practicable—

"(A) the sequence of all trades made by all floor traders and floor brokers; and

"(B) the interval between the time of receipt and the time of execution of each order by the floor broker executing the order.

"(5)(A) The Commission shall, by rule or order, make exemptions from the requirements of paragraph (3)—

"(i) for an exchange with respect to which the Commission finds that—

"(I) the volume of trading on such exchange is relatively small and the exchange has demonstrated substantial compliance with the objectives of such paragraph; and

"(II) the trade monitoring system at such exchange otherwise maintains a high level of compliance with this subsection; and

"(ii) to the extent determined appropriate by the Commission, for categories of customer orders with respect to which the Commission finds that such orders are transmitted to and reported from the trading pit in an extremely rapid manner such that substantial compliance with the objectives of paragraph (3) can be otherwise achieved.

"(B) For purposes of subparagraph (A)(i)(I) the Commission shall find that the volume of trading at an exchange is relatively small if, among other things, the Commission determines that the average daily trading volume for each contract market for which the board of trade is designated is less than the threshold trading level established for the contract market under section 4j(a)(4).

"(6) Any rule or order adopted by the Commission under paragraphs (4) and (5) shall become effective 30 legislative days or 90 calendar days, whichever is later, after submission of such rule or order to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. For purposes of this paragraph, the term 'legislative day' means any day on which either House of Congress is in session.

(b) Study.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commodity Future Trading Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agri-

culture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

(A) an assessment of the progress of each contract market in developing and implementing systems to record the times of transactions independently, precisely, and completely as required under section 5a(b) of the Commodity Exchange Act (as added by subsection (a) of this section); and

(B) recommendations as to whether any extension of time for the completion of such systems or any modification of the standards contained in such section is appropriate.

(2) GAO Views.—The Comptroller General of the United States shall state to Congress the views of the Comptroller General with regard to the issues addressed in such report.

(c) AUDIT TRAIL COMPLIANCE AS CONDITION FOR CONTRACT MARKET DESIGNATION.—Section 5 (7 U.S.C. 7) is amended by—

(1) indenting the left margin of subdivisions (a) through (g) by 2 ems;

(2) striking "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", and "(g)", and inserting "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", and "(7)", respectively; and

(3) adding at the end the following:

"(8) When such board of trade demonstrates that every contract market for which such board of trade is designated complies with the requirements of section 5a(b).".

SEC. 202. COMMISSION OVERSIGHT; DEFICIENCY ORDERS.

(a) IN GENERAL.—The Act is amended by inserting after section 8d (7 U.S.C. 12d) the following new section:

"SEC. 8e. COMMISSION OVERSIGHT; DEFICIENCY ORDERS.

"(a) ASSESSMENTS.—At least once every 2 years, to the extent practicable, the Commission shall assess whether the trade monitoring system of each contract market satisfies section 5a(b).

"(b) DEFICIENCY ORDERS.—

"(1) CAUSES.—The Commission may issue a proposed deficiency order in accordance with paragraph (2), or take such other administrative or enforcement action as the Commission determines is appropriate, if, based on its assessment or on other information, the Commission at any time has reason to believe that a contract market's trade monitoring system implemented pursuant to section 5a(b) does not satisfy one or more of the requirements of such section.

"(2) CONTENTS.—A proposed deficiency order issued under this subsection shall specify—

"(A) the deficiencies the Commission has reason to believe exist in the trade monitoring system of the contract market and a statement of reasons supporting the Commission's belief that those deficiencies exist;

"(B) the corrective action that the Commission believes that the contract market must take and an acceptable timetable for such corrective action; and

"(C) a date, not less than 20 days from the date of issuance of the proposed deficiency order, when such deficiency order will become final, subject to subsection (d).

"(3) REMEDIES.—On becoming final, the Commission deficiency order may—

"(A) require the contract market to—

"(i) institute appropriate improvements in its trade monitoring system necessary to correct the deficiencies noted therein;

"(ii) satisfy stated objective performance criteria to correct such deficiencies;

"(iii) upgrade or reconfigure existing systems for collecting or processing relevant data on trading and trader or broker activity, including, where appropriate, the commitment of additional resources; or

"(B) revoke any exemption of the contract market from the regulations prohibiting the privilege of dual trading under section 4j(a), if the deficiency noted in such deficiency order relates to—

"(i) the audit trail system the contract market is required to maintain under paragraphs (2), (3), or (4) of section 5a(b); or

"(ii) the prevention, detection, or disciplining of violations attributable to such trading at such contract market, subject to the standards, exceptions, and duration provisions of section 4j(a); or

"(C) take any combination of the actions described in subparagraphs (A) and (B).

"(4) REMOVAL.—If the Commission finds, after notice and opportunity for a hearing on the record prior to such deficiency order becoming final, that a named officer, director, committee member, or employee of such contract market has willfully—

"(A) violated this Act, the rules or regulations of the Commission thereunder, or the rules of such contract market;

"(B) abused the authority of such person; or

"(C) without reasonable justification or excuse, failed to enforce compliance with any provision of the rules of such contract market by any member or person associated with a member thereof,

the Commission may issue a deficiency order under this section to remove such officer, director, committee member, or employee.

"(5) DESIGNATION AS CONTRACT MARKET.—Notwithstanding section 6, during the period that a proposed or final deficiency order under this section is in effect, the Commission may refrain from approving any application for designation as a contract market made by the board of trade whose contract market is the subject of such deficiency order.

"(6) DELEGATION.—The Commission shall not delegate the authority to issue deficiency orders under this subsection.

"(c) RESCISSION, MODIFICATION, OR DELAY OF DEFICIENCY ORDERS.—Before any proposed deficiency order issued by the Commission under subsection (b) may become final, the Commission shall—

"(1) provide the affected contract market with an opportunity for a hearing through submission of written data, views, or arguments and, under terms set by the Commission at the request of the contract market, through an oral presentation of views and comments to the Commission, in order to petition the Commission to rescind, modify, or delay such deficiency order; and

"(2) rule on such petition, not less than 20 days before the deficiency order takes effect, making findings, as appropriate, as to whether—

"(A) the deficiencies cited by the Commission have been corrected or are being corrected under an expeditious timetable acceptable to the Commission;

"(B) the trade monitoring system of the contract market is deficient as noted in the deficiency order; or

"(C) the timetable for corrective action by the contract market in the proposed deficiency order, and the particular corrective action proposed, is appropriate in light of the deficiencies noted and the purposes of this Act.

"(d) PENALTIES.—Violation of a final deficiency order issued under subsection (c) shall be considered a violation of an order of the Commission for purposes of—

"(1) establishing liability and assessing penalties against a contract market or any director, officer, agent, or employee thereof under section 6b or 6c; or

"(2) initiating proceedings under section 5b or 6(a).

"(e) JUDICIAL REVIEW.—

"(1) PERSONS.—Any person, other than a contract market, aggrieved by a deficiency order issued under subsection (b)(4), may obtain review of such deficiency order when issued by the Commission under the terms and conditions in section 6(b).

"(2) CONTRACT MARKETS.—Any contract market that has petitioned the Commission to rescind, modify, or delay any proposed deficiency order issued under subsection (b) may obtain judicial review of any final such deficiency order only in the United States Court of Appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, under the standards applicable to rulemaking proceedings under section 553 of title 5, United States Code.".

SEC. 203. ORAL ORDERS.

(a) IN GENERAL.—Section 4c (7 U.S.C. 6c) is amended by adding at the end the following new subsection:

"(g) The Commission shall adopt rules requiring that a contemporaneous written record be made, as practicable, of all orders for execution on the floor or subject to the rules of each contract market placed by a member of the contract market who is present on the floor at the time such order is placed.".

(b) EFFECTIVE DATE.—The commission shall adopt the rules required by the amendment made under subsection (a) within 270 days after the date of enactment of this Act.

SEC. 204. TELEMARKETING FRAUD.

(a) IN GENERAL.—Section 17(p) (7 U.S.C. 321(p)) is amended—

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

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

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

"(4) establish special supervisory guidelines to protect the public interest relating to the solicitation by telephone of new futures or options accounts and make such guidelines applicable to those members determined to require such guidelines in accordance with standards established by the Commission consistent with this Act. Such guidelines may include a requirement that, with respect to a customer with no previous futures or commodity options trading experience, the member may not enter an order for the account of such customer for a period of 3 days following opening of the account and receipt of a signed acknowledgment by the customer of receipt of a risk disclosure statement.".

(b) IMPLEMENTATION.—The guidelines required under section 17(p)(4) of the Commodity Exchange Act (as added by subsection (a) of this section) shall be submitted by a futures association registered with the Commodity Futures Trading Commission on the date of enactment of this Act to the Commission for the approval of the Commission not later than 180 days after the date of enactment of this Act.

SEC. 205. UNDERCOVER OPERATIONS AND ENFORCEMENT.

Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end the following:

"(2) In conducting investigations authorized under this subsection or any other provision of this Act, the Commission shall continue, as the Commission determines necessary, to request the assistance of and cooperate with the appropriate Federal agencies in the conduct of such investigations, including undercover operations by such agencies. The Commission and the Department of Justice shall assess the effectiveness of such undercover operations and, within 2 years of the date of enactment of the Futures Trading Practices Act of 1992, shall recommend to Congress any additional undercover or other authority for the Commission that the Commis-

sion or the Department of Justice believes to be necessary.".

SEC. 206. SELF REGULATORY ORGANIZATION DISCIPLINARY COMMITTEES AND GOVERNING BOARDS.

(A) CONTRACT MARKETS.—

(1) GOVERNING BOARDS AND DISCIPLINARY COMMITTEES.—Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(a)(1) and 217 of this Act) is further amended by adding at the end the following new paragraphs:

"(14)(A) provide for meaningful representation on the governing board of the contract market's board of trade of a diversity of interests, including—

"(i) futures commission merchants;

"(ii) producers of, and consumers, processors, distributors, or merchandisers of, principal commodities traded on the board of trade;

"(iii) floor brokers and traders; and

"(iv) participants in a variety of pits or principal groups of commodities traded on the exchange.

"(B) provide that no less than 20 percent of the regular voting members of such board be comprised of nonmembers of such contract market's board of trade with—

"(i) expertise in futures trading, or the regulation thereof, or in commodities traded through contracts on the board of trade; or

"(ii) other eminent qualifications making such person capable of participating in and contributing to board deliberations.

"(C) provide that no less than 10 percent of the regular voting members of such board be comprised where applicable of farmers, producers, merchants, or exporters of principal commodities traded on the exchange;

"(15)(A) provide on all major disciplinary committees for a diversity of membership sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of disciplinary proceedings and the assessment of penalties.

"(B) Consistent with Commission rules, a major disciplinary committee hearing a disciplinary matter shall include—

"(i) a majority of qualified persons representing a trading status other than that of the subject of the proceeding; and

"(ii) where appropriate to carry out the purposes of this Act, qualified persons who are not members of the exchange.

"(C) For purposes of this paragraph, a trading status on a contract market may include, consistent with Commission rules, such categories as (i) floor brokers and traders; (ii) producers, consumers, processors, distributors, or merchandisers of commodities, (iii) futures commission merchants; and (iv) members of the aforementioned categories who participate in particular contract markets or principal groups of commodities on the board of trade.

"(D) If a contract market takes final disciplinary action against a member for a violation that involves the execution of a customer transaction and results in financial harm to such customer, the contract market shall promptly inform the futures commission merchant identified on the records of such contract market as having cleared such transaction, and such futures commission merchant shall promptly inform the person identified on its records as the owner of the account for which such transaction was executed, of the disciplinary action and the principal facts thereof;

"(16) provide that no member found by the Commission, a contract market, a registered futures association, or a court of competent jurisdiction to have committed any violation of this Act or any other provision of law that would reflect on the fitness of the member may serve on any contract market oversight or disciplinary panel for an appropriate period (as defined by Commission rule); and".

(2) Major disciplinary rule violations.—Section 8c (7 U.S.C. 12c) is amended—

(A) by redesignating subsections (1) through (4) as subsections (a) through (d);

(B) in subsection (a), as so redesignated—

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

(ii) by striking "(B)" and inserting "(2)";

(C) in subsection (c), as so redesignated, by striking "subsection (2)" each place it appears and inserting "subsection (b)";

(D) in subsection (d), as so redesignated, by striking "subsection (1)" and inserting "subsection (a)"; and

(E) by adding at the end the following:

"(e)(1) The Commission shall issue regulations requiring each contract market to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such contract market.

"(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any individual who is found to have committed any major violation from service on the governing board of any contract market or registered futures association, or on any disciplinary committee thereof.".

(b) Registered Futures Associations.—

(1) Governing boards and disciplinary committees.—Section 17(b) (7 U.S.C. 21(b)) is amended—

(A) in subparagraphs (A) and (B) of paragraph (3) by striking "or" at the end;

(B) in paragraphs (3)(D), (4)(A), (4)(B), (4)(C), (4)(D), (4)(F), (5), (6), (7), (8), (9), (9)(A), (9)(B), and (9)(D) by striking the period at the end and inserting a semicolon;

(C) in paragraphs (4)(E), (9)(C), and (10) by striking the period at the end and inserting "; and"; and

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

"(11) such association provides for meaningful representation on the governing board of such association of a diversity of membership interests and provides that no less than 20 percent of the regular voting members of such board be comprised of qualified nonmembers of or persons who are not regulated by such association.

"(12)(A) such association provides on all major disciplinary committees for a diversity of membership sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of disciplinary proceedings and the assessment of penalties.

"(13) A major disciplinary committee hearing a disciplinary matter shall include—

"(A) qualified persons representing segments of the association membership other than that of the subject of the proceeding; and

"(B) where appropriate to carry out the purposes of this paragraph, qualified persons who are not members of the association.".

(2) MAJOR DISCIPLINARY RULE VIOLATIONS.—Section 17 (7 U.S.C. 21), as amended by section 204, is amended by inserting after subsection (p) the following:

"(q)(1) The Commission shall issue regulations requiring each registered futures association to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such registered futures association.

"(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any member of a registered futures association who is found to have committed any major violation from service on the governing board of any registered futures association or contract market, or on any disciplinary committee thereof.".

(c) IMPLEMENTATION.—Not later than 270 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall adopt such rules as are necessary to carry out the amendments made by subsections (a) and (b), including rules that—

(1) specify membership categories that shall be represented on disciplinary panels;

(2) define "major disciplinary committee" for purposes of sections 5a(a)(15) and 17(b)(12) of the Commodity Exchange Act (as added by subsections (a) and (b), respectively); and

(3) specify the conditions under which such panels shall include qualified persons who are not members of the exchange or association, which shall include at a minimum—

(A) any disciplinary action where the subject of such action is a member of the contract market or association governing board or of any major disciplinary committee of such contract market or association; and

(B) any disciplinary action based on facts related to a claim that the subject of such action manipulated or attempted to manipulate the price of a commodity or future or option.

SEC. 207. REQUIRED REGISTRATION OF FLOOR TRADERS.

(a) REQUIREMENT.—Section 4e (7 U.S.C. 6e) is amended to read as follows:

"Sec. 4e. It shall be unlawful for any person to act as floor trader in executing purchases and sales, or as floor broker in executing any orders for the purchase or sale, of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this Act, with the Commission as such floor trader or floor broker and such registration shall not have expired nor been suspended nor revoked.".

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) in sections 4f(1), 4g(1), and 6d(1) (7 U.S.C. 6f(1), 6g(1), 13a-2(1)), by striking "or floor broker" and inserting "floor broker, or floor trader";

(2) in section 6d(8)(A) (7 U.S.C. 13a-2(8)(A)), by inserting ", floor trader," after "floor broker";

(3) in section 8a(1), (7 U.S.C. 12a(1)), by striking "and floor brokers" and inserting "floor brokers, and floor traders"; and

(4) in sections 8a(2)(C)(i), 8a(2)(D)(ii), and 8a(3)(E)(ii) (7 U.S.C. 12a(2)(C)(i), 12a(2)(D)(ii), and 12a(3)(E)(ii)), by inserting "floor trader," after "floor broker,".

(c) REGULATIONS.—The amendments made by this section shall become effective 180 days after the date of enactment of this Act, and the Commodity Futures Trading Commission shall issue any regulations necessary to implement the amendments made by this section no later than 180 days after the date of enactment of this Act.

SEC. 208. ENHANCEMENT OF REGISTRATION REQUIREMENTS.

(a) INJUNCTIONS.—Section 8a(2)(C)(ii) (7 U.S.C. 12a(2)(C)(ii)) is amended to read as follows:

"(ii) engaging in or continuing any activity where such activity involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, gambling, or any transaction in or advice concerning contracts of sale of a commodity for future delivery, concerning matters subject to Commission regulation under section 4c or 19, or concerning securities".

(b) CERTAIN VIOLATIONS OF LAW.—Section 8a(2)(D)(iv) (7 U.S.C. 12a(2)(D)(iv)) is amended by—

(1) inserting "1001," after "152,";

(2) striking "or" after "1342,";

(3) inserting "1503, 1623, 1961, 1962, 1963, or 2314," after "1343,"; and

(4) inserting ", or section 7201 or 7206 of the Internal Revenue Code of 1986" after "Code".

(c) OTHER VIOLATIONS OF LAW.—Section 8a(2)(E) (7 U.S.C. 12a(2)(E)) is amended—

(1) by striking "by any court of competent jurisdiction," and inserting "in a proceeding brought"; and

(2) in clause (i) by inserting "chapter 96 of title 18 of the United States Code," after "1977,".

(d) REGISTRATION REVOCATION BASED ON INACCURATE STATEMENTS.—Section 8a(2)(G) (7 U.S.C. 12a(2)(G)) is amended by—

(1) striking "subparagraphs (A) through (F) of this paragraph," and inserting "this paragraph and paragraph (3),";

(2) striking "material" the first place it appears and inserting "materially"; and

(3) striking "application" and inserting "application or any update thereto".

(e) GENERAL FELONY CONVICTIONS.—Section 8a(3)(D) (7 U.S.C. 12a(3)(D)) is amended by—

(1) inserting "pleaded guilty to or" after "person";

(2) inserting a comma after "section" the first place it appears;

(3) striking "within ten years preceding the filing of the application or at any time thereafter,";

(4) striking ", including a felony"; and

(5) striking ", more than" and inserting "more than".

(f) SPECIAL FELONY CONVICTIONS.—Section 8a(3)(E) (7 U.S.C. 12a(3)(E)) is amended—

(1) by inserting "pleaded guilty to or" after "person";

(2) by striking "within two years preceding the filing of the application for registration or at any time thereafter"; and

(3) in clause (iv) by inserting ", or section 7203, 7204, 7205, or 7207 of the Internal Revenue Code of 1986" after "Code".

(g) REGISTRATION DENIED OR CONDITIONED BASED ON INACCURATE STATEMENTS.—Section 8a(3)(G) (7 U.S.C. 12a(3)(G)) is amended by—

(1) striking "material" the first place it appears and inserting "materially";

(2) striking the comma after "application";

(3) inserting "or any update thereto," after "application";

(4) striking "thereunder, or" and inserting "thereunder,"; and

(5) inserting "or in any registration disqualification proceeding" after "Commission".

(h) NON-FEDERAL CRIMINAL CONDUCT.—Section 8a(3)(H) (7 U.S.C. 12a(3)(H)) is amended by inserting ", in a United States military court," after "State court".

(i) EXISTING RESTRICTIONS ON MEMBERSHIPS.—Section 8a(3)(J) (7 U.S.C. 12a(3)(J)) is amended by—

(1) striking "or" after "association," the first place it appears;

(2) inserting "or any foreign regulatory body that the Commission recognizes as having a comparable regulatory program," after "organization," the first place it appears;

(3) striking "or" after "association," the second place it appears; and

(4) striking "organization;" and inserting "organization, or foreign regulatory body;".

SEC. 209. ENFORCEMENT OF CIVIL MONEY PENALTIES.

(a) MONEY PENALTIES.—Section 6 (7 U.S.C. 8 et seq.) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting "(a)" after "Sec. 6.";

(3) in subsection (a), as so redesignated, by striking "paragraph (a)" and inserting "subsection (b)";

(4) in subsection (d), as so redesignated—

(A) by striking "paragraph (b) of this section" and inserting "subsection (c)"; and

(B) by striking "section 6(b) of this Act" and inserting "subsection (c)"; and

(5) by amending subsection (e), as so redesignated, to read as follows:

"(e)(1) In determining the amount of the money penalty assessed under subsection (c), the Commission shall consider the appropriateness of such penalty to the gravity of the violation.

"(2) Unless the person against whom a money penalty is assessed under subsection (c) shows to the satisfaction of the Commission within 15 days from the expiration of the period allowed for payment of such penalty that either an appeal as authorized by subsection (c) has been taken or payment of the full amount of the penalty then due has been made, at the end of such 15-day period and until such person shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made—

"(A) such person shall be prohibited automatically from trading on all contract markets; and

"(B) if such person is registered with the Commission, such registration shall be suspended automatically.

"(3) If a person against whom a money penalty is assessed under subsection (c) takes an appeal and if the Commission prevails or the appeal is dismissed, unless such person shows to the satisfaction of the Commission that payment of the full amount of the penalty then due has been made by the end of 30 days from the date of entry of judgment on the appeal—

"(A) such person shall be prohibited automatically from trading on all contract markets; and

"(B) if such person is registered with the Commission, such registration shall be suspended automatically.

If the person against whom the money penalty is assessed fails to pay such penalty after the lapse of the period allowed for appeal or after the affirmance of such penalty, the Commission may refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.".

(b) CONFORMING AMENDMENTS.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) in section 2(a)(1)(B)(iv)—

(A) in subclause (I) by striking "section 6(b)" and inserting "section 6(c)"; and

(B) in subclause (II) by striking "section 6(a)" and inserting "section 6(b)";

(2) in section 5(6), as so redesignated by section 201(c)(2), by striking "paragraph (b) of section 6" and inserting "section 6(c)";

(3) in section 5b by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(4) in section 6a(1) by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(5) in section 6b by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(6) in section 8a—

(A) in the first proviso to paragraph (2) by striking "section 6(b)" and inserting "section 6(c)";

(B) in the second proviso to paragraph (3) by striking "section 6(b)" and inserting "section 6(c)"; and

(C) in paragraph (4) by striking "section 6(b)" each place it appears and inserting "section 6(c)";

(7) in section 14(e) by striking "paragraph (b) of section 6" and inserting "section 6(c)"; and

(8) in section 17—

(A) in subsection (b)—

(i) in paragraph (3)(B) by striking "section 6(b)" and inserting "section 6(c)"; and

(ii) in paragraph (4)(F) by striking "subsection (b) of section 6" and inserting "section 6(c)";

(B) in subsection (i)(4) by striking "section 6(b)" and inserting "section 6(c)"; and

(C) in subsection (o)(4) by striking "section 6(b)" and inserting "section 6(c)".

SEC. 210. ETHICS TRAINING FOR REGISTRANTS.

(a) MANDATORY TRAINING FOR REGISTRANTS.—Section 4p (7 U.S.C. 6p) is amended by —

(1) inserting "(a)" after "sec. 4p."; and

(2) adding at the end the following:

"(b) The Commission shall issue regulations to require new registrants, within 6 months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered futures association, or other self-regulatory organization, or any other applicable Federal or state law, rule or regulation.".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue the regulations required by section 4p(b) of the Commodity Exchange Act, as added by subsection (a), no later than 180 days after the date of enactment of this Act.

SEC. 211. NATIONWIDE SERVICE OF PROCESS AND VENUE.

Section 22(c) (7 U.S.C. 25(c)) is amended to read as follows:

"(c) The United States district courts shall have exclusive jurisdiction of actions brought under this section. Any such action shall be brought not later than 2 years after the date the cause of action arises. Any action brought under subsection (a) of this section may be brought in any judicial district wherein the defendant is found, resides, or transacts business, or in the judicial district wherein any act or transaction constituting the violation occurs. Process in such action may be served in any judicial district of which the defendant is an inhabitant or wherever the defendant may be found.".

SEC. 212. INCREASED PENALTIES.

(a) FELONY VIOLATIONS.—Section 9 (7 U.S.C. 13) is amended—

(1) by—

(A) striking subsections (a), (b), and (c);

(B) redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(C) inserting before subsection (c), as redesignated, the following new subsections:

"(a) It shall be a felony punishable by a fine of not more than $1,000,000 (or $500,000 in the case of a person who is an individual) or imprisonment for not more than 5 years, or both, together with the costs of prosecution, for:

"(1) Any person registered or required to be registered under this Act, or any employee or agent thereof, to embezzle, steal, purloin, or with criminal intent convert to such person's use or to the use of another, any money, securities, or property having a value in excess of $100, which was received by such person or any employee or agent thereof to margin, guarantee, or secure the trades or contracts of any customer or accruing to such customer as a result of such trades or contracts or which otherwise was received from any customer, client, or pool participant in connection with the business of such person. The word 'value' as used in this paragraph means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

"(2) Any person to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any contract market, or to corner or attempt to corner any such commodity or knowingly to deliver or cause to be delivered for transmission through the mails or interstate

commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, or knowingly to violate the provisions of section 4, section 4b, subsections (a) through (e) of subsection 4c, section 4h, section 40(1), or section 19.

"(3) Any person knowingly to make, or cause to be made, any statement in any application, report, or document required to be filed under this Act or any rule or regulation thereunder or any undertaking contained in a registration statement required under this Act, or by any contract market or registered futures association in connection with an application for membership or participation therein or to become associated with a member thereof, which statement was false or misleading with respect to any material fact, or knowingly to omit any material fact required to be stated therein or necessary to make the statements therein not misleading.

"(4) Any person willfully to falsify, conceal, or cover up by any trick, scheme, or artifice a material fact, make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry to a contract market, board of trade, or futures association designated or registered under this Act acting in furtherance of its official duties under this Act.

"(5) Any person willfully to violate any other provision of this Act, or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this Act, but no person shall be subject to imprisonment under this paragraph for the violation of any rule or regulation if such person proves that he had no knowledge of such rule or regulation.

"(b) Any person convicted of a felony under this section shall be suspended from registration under this Act and shall be denied registration or reregistration for 5 years or such longer period as the Commission may determine, and barred from using, or participating in any manner in, any market regulated by the Commission for 5 years or such longer period as the Commission shall determine, on such terms and conditions as the Commission may prescribe, unless the Commission determines that the imposition of such suspension, denial of registration or reregistration, or market bar is not required to protect the public interest. The Commission may upon petition later review such disqualification and market bar and for good cause shown reduce the period thereof.";

(2) in subsection (c) (as redesignated by paragraph (1) of this section) by striking "$100,000" and inserting "$500,000"; and

(3) in subsection (d) (as redesignated by paragraph (1) of this section) by striking "$100,000" and inserting "$500,000".

(b) OTHER VIOLATIONS.—Sections 6(c) and 6(d) (7 U.S.C. 9 and 13b), as such subsections are redesignated by section 209, are each amended by striking "$100,000" each place it appears and inserting "the higher of $100,000 or triple the monetary gain to such person".

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b (7 U.S.C. 13a) is amended—

(1) by striking "$100,000" each place it appears and inserting "$500,000"; and

(2) in the last sentence, by striking "the appropriateness of such penalty to the net worth of the offending person and".

SEC. 213. CONTRACT MARKET EMERGENCY ACTIONS.

(a) PRIOR COMMISSION NOTIFICATION REQUIRED.—Section 5a(a)(12) (7 U.S.C. 7a(12)), as redesignated by section 201, is amended—

(1) by striking "(12) except" and inserting "(12)(A) except"; and

(2) by striking the last two sentences of paragraph (12)(A), as so redesignated, and inserting the following:

"(B)(i) The Commission shall issue regulations to specify the terms and conditions under which, in an emergency as defined by the Commission, a contract market may, by a two-thirds vote of its governing board, make a rule (hereinafter referred to as an 'emergency rule') effective on a temporary basis without prior Commission approval, or without compliance with the 10-day notice requirement under subparagraph (A), or during any period of review by the Commission, if the contract market makes every effort practicable to notify the Commission of such emergency rule, along with a complete explanation of the emergency involved, prior to making the emergency rule effective. If the contract market does not provide the Commission with such notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with such notification and explanation at the earliest possible date. The Commission may delegate the power to receive such notification and explanation to such individuals as the Commission determines necessary and appropriate.

(ii) Within 10 days of the receipt from a contract market of notification of such an emergency rule and an explanation of the emergency involved, or as soon as practicable, the Commission shall determine whether it is appropriate either—

"(I) to permit such rule to remain in effect during the pendency of the emergency, or

"(II) to suspend the effect of such rule pending review either under the procedures of subparagraph (A) or otherwise.

The Commission shall submit a report on its determination and the basis thereof with respect to such emergency rule to the affected contract market, to the Committee on Agriculture of the House of Representatives and the Committee Agriculture, Nutrition, and Forestry of the Senate. If the report is submitted more than 20 days after the Commission's receipt of notification of such an emergency rule from a contract market, the report shall explain why submission within such 10-day period was not practicable. A determination by the Commission to suspend the effect of a rule under this subparagraph shall be subject to judicial review on the same basis as an emergency determination under section 8a(9). Nothing in this paragraph shall be construed to limit the authority of the Commission under section 8a(9);".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations to implement section 5a(12)(B) of the Commodity Exchange Act, as added by subsection (a), no later than 180 days after the date of enactment of this Act. Until the effective date of such regulations, any regulation of the Commission that implements the last 2 sentences of section 5a(12), as such sentences were in effect immediately before the date of enactment of this Act, shall remain in effect.

SEC. 214. PROHIBITION AGAINST INSIDER TRADING.

(a) IN GENERAL.—Section 9 (7 U.S.C. 13) is amended by adding at the end the following:

"(f) It shall be a felony for any person—

(1) who is an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association, in violation of a regulation issued by the Commission, willfully and knowingly to trade for such person's own account, or for or on behalf of any other account, in contracts for future delivery or options thereon on the basis of, or willfully and knowingly to disclose for any purpose inconsistent with the performance of such person's official duties as an employee or member, any material nonpublic information obtained through special access related to the performance of such duties.

(2) willfully and knowingly to trade for such person's own account, or for or on behalf of any account, in contracts for future delivery or options thereon on the basis of any material nonpublic information that such person knows was obtained in violation of paragraph (1) from an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association.

Such felony shall be punishable by a fine of not more than $500,000, plus the amount of any profits realized from such trading or disclosure made in violation of this subsection, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations to implement the amendment made by subsection (a) not later than 360 days after the date of enactment of this Act.

SEC. 215. QUALIFICATIONS OF COMMISSIONERS.

Section 2(a)(2)(A) (7 U.S.C. 4a(a)(1)) is amended by striking the second and third sentences and inserting the following: "The Commission shall be composed of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. In nominating persons for appointment, the President shall—

"(i) select persons who shall each have demonstrated knowledge in futures trading or its regulation, or the production, merchandising, processing or distribution of one or more of the commodities or other goods and articles, services rights and interests covered by this Act; and

"(ii) seek to ensure that the demonstrated knowledge of the Commissioners is balanced with respect to such areas.".

SEC. 216. COMMISSION OPERATIONS.

Section 12(b)((7 U.S.C. 16(b)) is amended—

(1) by designating the first through third sentences as paragraphs (1) through (3), respectively; and

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

"(4) The Commission may request (in accordance with the procedures set forth in subchapter II of chapter 31 of title 5, United States Code) and the Office of Personnel Management shall authorize pursuant to the request, eight positions in the Senior Executive Service in addition to the number of such positions authorized for the Commission on the date of enactment of this sentence.".

SEC. 217. PROHIBITION ON VOTING BY INTERESTED MEMBERS.

Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(a) and 206(a)(1) of this Act) is further amended by adding at the end the following:

"(17)(A) provide for the avoidance of conflict of interest in deliberations by the governing board and any disciplinary and oversight committees. In order to comply with this subparagraph, each contract market shall adopt rules and procedures to require, at a minimum, that

"(i) any member of a governing board or a disciplinary or other oversight committee must abstain from confidential deliberations and voting on any matter where the named party in interest is the member, the member's employer, the member's employee, or any other person that has a business, employment, or family relationship with the member that warrants abstention by the member;

"(ii) any member of a governing board or a disciplinary or other oversight committee must abstain from voting on any significant action that would not be submitted to the Commission

for its prior approval, if as determined in accordance with regulations promulgated by the Commission, the member knowingly has a direct and substantial financial interest in the result of the vote, based either on positions held personally or at an affiliated firm;

"(iii) prior to the deliberations of the governing board, disciplinary board, or other oversight committee, acting directly or indirectly through an authorized member or contract market official, the positions of the members of such board or committee, and positions of the firm or firms with which such members are affiliated, are reviewed (provided, however, that no contract market or official, employee, member, other than the member whose position or positions are being reviewed, or agent thereof shall be subject to liability, except for liability in an action initiated by the Commission, for having conducted this review and for having taken or not taken further action); and

"(iv) the board or committee shall clearly reflect, in the minutes of such meeting, that the review required in clause (iii) occurred and any decisions by a member to abstain or by the board or committee whether to direct a member or members to abstain from deliberations or voting on the matter before the board or committee.

Any member prohibited from voting on a rule pursuant to this paragraph shall not be included in determining whether there has been a two-thirds vote of members of the governing board or committee as required by subparagraph (12).

"(B) For the purposes of this paragraph, the term 'significant action that would not be submitted to the Commission for its prior approval' includes—

"(i) any nonphyscial emergency rule; or

"(ii) any changes in margin levels designed to respond to extraordinary market conditions that are likely to have a substantial affect on prices in any contract traded on such contract market, but does not include any rule not submitted for prior Commission approval because such rule is unrelated to terms and conditions of any contract traded on such market.

"(C) Notwithstanding the provisions of subparagraph (A)(ii), the Commission shall issue rules establishing the conditions under which a member of a board or committee who is required to abstain from voting on a significant action, as provided in subparagraph (A)(ii), may participate in deliberations on that action prior to such vote, where the member's participation is consistent with the public interest.".

SEC. 218. STUDY OF ASSESSMENTS ON TRANSACTIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether—

(1) it is feasible to fund some or all of the enforcement and market surveillance activities of the Commodity Futures Trading Commission, as required by the amendments to the Commodity Exchange Act made by the Futures Trading Practices Act of 1992, through the imposition of an assessment on commodity futures and options transactions executed pursuant to the Commodity Exchange Act; and

(2) a program of assessment-based funding for some or all of such enforcement and market surveillance activities would better provide resources to the Commodity Futures Trading Commission to enable the Commission to—

(A) protect the interests of market users (including hedgers and speculators), producers of commodities traded on the futures markets, and the general public; and

(B) maintain and enhance the credibility of such futures and options markets.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the Comptroller General's determinations pursuant to subsection (a), together with any appropriate recommendations for the implementation of such a program of assessment-based funding for some or all of the Commodity Futures Trading Commission's enforcement and market surveillance activities.

SEC. 219. COMPETITIVENESS STUDY.

(a) IN GENERAL.—No later than 18 months following the enactment of this Act, the Commodity Futures Trading Commission shall study the competitiveness of boards of trade over which it has jurisdiction compared with the boards of trade (or their foreign equivalent) over which foreign futures authorities, as defined in section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)), have jurisdiction, and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of its findings with respect to—

(1) the overall competitive status of United States boards of trade in the world market;

(2) a comparison of applicable statutes, rules, or regulations as they relate to futures and options administered and enforced by the Commission and those administered and enforced by foreign futures authorities;

(3) any trends in, or movements of, volume of futures and options trading to or from United States boards of trade during the period of the study, and whether such trends or movements, if any, were the result of the adoption of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States, as opposed to other competitive, economic, regional, or commercial factors;

(4) any significant harms or risks to the public interest, market users, traders, and commerce in relation to futures or options traded on such foreign boards of trade which may result from the absence of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States or disparities in regulatory protections offered by United States and foreign authorities; and

(5) any recommendations the Commission may have as a result of the study to enhance the competitive status of United States boards of trade in the world market, or to enhance the regulation of markets in the global environment, that will not impair customer confidence in United States boards of trade.

(b) COOPERATION.—To promote the efficient use of resources, the Commission shall endeavor, as it determines appropriate, to obtain the assistance of the General Accounting Office, the Office of the United States Trade Representative, or other appropriate offices of the Federal Government in order to obtain information with regard to trading at foreign boards of trade and the regulation of such boards of trade by foreign futures authorities.

SEC. 220. COMPUTERIZED FUTURES TRADING.

(a) INTERNATIONAL COMPETITIVENESS OF ELECTRONIC TRADING SYSTEMS.—Section 12 (7 U.S.C. 16) (as amended by section 303 of this Act) is further amended by adding at the end the following new subsection:

"(g) Consistent with its responsibilities under section 18, the Commission is directed to facilitate the development and operation of computerized trading as an adjunct to the open outcry auction system. The Commission is further directed to cooperate with the Office of the United States Trade Representative, the Department of the Treasury, the Department of Commerce, and the Department of State in order to remove any trade barriers that may be imposed by a foreign nation on the international use of electronic trading systems.".

(b) STUDY—The Commodity Futures Trading Commission shall conduct a study to assess—

(1) the progress made under initiatives to conduct trading in futures and options subject to the jurisdiction of the Commission under the Commodity Exchange Act through systems of computers or by other electronic means; and

(2) whether the experience with such systems of trading indicates that they may be useful or effective to enhance access to the futures and options markets by potential market participants, improve the ability of the Commission to audit the activities of the futures and options markets, reduce the opportunity for trading abuses, and otherwise be in the public interest or raise other related issues.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

SEC. 221. MONEY PENALTIES IN CIVIL COURT ACTIONS.

Section 6c (7 U.S.C. 13c) is amended—

(1) by designating the first, second, third, fourth, fifth, and sixth sentences as subsections (a), (b), (c), (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) (as so designated) the following new subsection:

"(d)(1) In any action brough under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation a civil penalty in the amount of not more than the higher of $100,000 or triple the monetary gain to the person for each violation.

"(2) If a person on whom such a penalty is imposed fails to pay the penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who shall recover the penalty by action in the appropriate United States district court.".

SEC. 222. CIVIL DAMAGES; LIABILITY OF FUTURES COMMISSION MERCHANTS.

(a) DUTIES OF CONTRACT MARKETS.—Subsection (a)(11) of section 5a (7 U.S.C. 7a) (as amended by section 201(a)(1) of this Act) is further amended—

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

(2) by striking "voluntary and (ii)" and inserting "voluntary, (B)"; and

(3) by inserting after the word "market" the following: ", and (C) in the case of a claim arising from a violation in the execution of an order on the floor of a contract market, such procedure shall provide, to the extent appropriate—

"(i) for payment of actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

"(ii) where the violation is willful and intentional, for payment to the customer of punitive or exemplary damages, in addition to losses proximately caused by the violation, in an amount equal to no more than two times the amount of such losses. If punitive or exemplary damages are awarded against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of such order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy the award of punitive or exemplary dam-

ages if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation;".

(b) COMPLAINTS AGAINST REGISTERED PERSONS.—Section 14(a) (7 U.S.C. 18(a)) is amended by striking "awarding actual damages proximately caused by such violation." and inserting "awarding—

"(1) actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

"(2) in the case of any action arising from a willful and intentional violation in the execution of an order on the floor of a contract market, punitive or exemplary damages equal to no more than two times the amount of such actual damages. If an award of punitive or exemplary damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.".

(c) REGISTERED FUTURES ASSOCIATIONS.—Section 17(b)(10) (7 U.S.C. 21(b)(10)) (as amended by section 206(b)(1) of this Act) is further amended—

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

(2) by striking "voluntary and (ii)" and inserting "voluntary, (B)"; and

(3) by inserting after the word "association" the following: ", and (C) in the case of a claim arising from a violation in the execution of an order on the floor of a contract market, such procedure shall provide, to the extent appropriate—

"(i) for payment of actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

"(ii) where the violation is willful and intentional, for payment to the customer of punitive or exemplary damages, in addition to losses proximately caused by the violation, in an amount equal to no more than two times the amount of such losses. If punitive or exemplary damages are awarded against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of such order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy the award of punitive or exemplary damages if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation".

(d) PRIVATE RIGHTS OF ACTION.—Section 22(a) (7 U.S.C. 25(a)) is amended by adding at the end the following new paragraph:

"(3) In any action arising from a violation in the execution of an order on the floor of a contract market, the person referred to in paragraph (1) shall be liable for—

"(A) actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

"(B) where the violation is willful and intentional, punitive or exemplary damages equal to no more than two times the amount of such actual damages. If an award of punitive or exemplary damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.".

SEC. 223. CUSTOMER RESTITUTION.

The tenth sentence of section 6(c) (7 U.S.C. 9) (as redesignated by section 209(a)(1) of this Act) is amended—

(1) by inserting "(1)" after "may" the first place it appears;

(2) by striking "and, if" and inserting "(2) if";

(3) by striking "may suspend" and inserting "suspend";

(4) by striking "and may" and inserting "(3)"; and

(5) by inserting before the period the following: "and (4) require restitution to customers of damages proximately caused by violations of such persons".

SEC. 224. COMPLAINTS AGAINST REGISTERED PERSONS; CLASS ACTION SUITS.

Section 14(a) (7 U.S.C. 18(a)) (as amended by section 222(b) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

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

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

"(2)(A) An action may be brought under this subsection by any one or more persons described in this subsection for and in behalf of such person or persons and other persons similarly situated, if the Commission permits such actions pursuant to a final rule issued by the Commission.

"(B) Not later than 270 days after the date of enactment of this paragraph the Commission shall propose and publish for public comment such rules as are necessary to carry out subparagraph (A). In developing such rules, the Commission shall consider the potential impact of such actions on resources available to the reparations system established under this Act and the relative merits of bringing such actions in Federal court.".

SEC. 225. PENALTIES STUDY AND GUIDELINES.

(a) STUDY.—The Commodity Futures Trading Commission shall study the penalties the Commission imposes against persons found to have violated the Commodity Exchange Act (7 U.S.C. 1 et seq.) and the penalties imposed by contract markets and registered futures associations against persons found to have violated their respective rules established under such Act.

(b) REPORT. Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a). The report shall—

(1) include an analysis of whether systematic differences exist among penalties imposed by various contract markets and registered futures associations for similar offense, and, if so, the causes of such differences;

(2) propose industry-wide guidelines or rules to make penalty levels among contract markets and registered futures associations consistent, including, if appropriate, minimum penalties or penalty ranges for various offenses; and

(3) propose guidelines or rules to make Commission penalty levels consistent, including, if appropriate, minimum penalties or penalty ranges for various offenses.

SEC. 226. PUBLICATION OF COMMISSION OPINIONS.

Section 2(a)(9) (7 U.S.C. 4a(h)) is amended by adding at the end the following new subparagraph:

"(C) Whenever the Commission issues for official publication any opinion, release, rule, order, interpretation, or other determination on a matter, the Commission shall provide that any dissenting, concurring, or separate opinion by any Commissioner on the matter be published in full along with the Commission opinion, release, rule, order, interpretation, or determination.".

SEC. 227. SUSPENSION OF REGISTRANTS CHARGED WITH FELONIES.

Section 8a (7 U.S.C. 12a) is amended—

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

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

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

"(11)(A) by written notice served on the person and pursuant to such rules, regulations, and orders as the Commission may adopt, to suspend or modify the registration of any person registered under this Act who is charged (in any information, indictment, or complaint authorized by a United States attorney or an appropriate official of any State) with the commission of or participation in a crime involving a violation of this Act, or a violation of any other provision of Federal or state law that would reflect on the honesty or the fitness of the person to act as a fiduciary (including an offense specified in subparagraph (D) or (E) of paragraph (2)) that is punishable by imprisonment for a term exceeding 1 year, if the Commission determines that continued registration of the person may pose a threat to the public interest or may threaten to impair public confidence in any market regulated by the Commission.

"(B) Prior to the suspension or modification of the registration of a person under this paragraph, the person shall be afforded an opportunity for a hearing at which the Commission shall have the burden of showing that the continued registration of the person does, or is likely to, pose a threat to the public interest or threaten to impair public confidence in any market regulated by the Commission.

"(C) Any notice of suspension or modification issued under this paragraph shall remain in effect until such information, indictment, or complaint is disposed of or until terminated by the Commission.

"(D) On disposition of such information, indictment, or complaint, the Commission may issue and serve on such person an order pursuant to paragraph (2) or (4) to suspend, restrict, or revoke the registration of such person.

"(E) A finding of not guilty or other disposition of the charge shall not preclude the Commission from thereafter instituting any other proceedings under this Act.

"(F) A person aggrieved by an order issued under this paragraph may obtain review of such order in the same manner and on the same terms and conditions as are provided in section 6(b).".

SEC. 228. APPEALS BY REGISTERED FUTURES ASSOCIATIONS.

Section 17(i)(4) (7 U.S.C. 21(i)(4)) is amended by striking "(other than a registered futures association)".

SEC. 229. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.

Section 4f (7 U.S.C. 6f) (as amended by section 207(b)(1) of this Act) is further amended—

"(1) by redesignating paragraphs (1) and (2) as subsections (a) an (b), respectively;

"(2) in subsection (b) (as so redesignated), by striking "this paragraph (2)" and inserting "this subsection"; and

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

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

"(i) The term 'affiliated person' means any person directly or indirectly controlling, controlled by, or under common control with a futures commission merchant, as the Commission, by rule or regulation, may determine will effectuate the purposes of this subsection.

"(ii) The term 'Federal banking agency' shall have the same meaning as the term 'appropriate Federal banking agency' in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

"(2)(A) Each registered futures commission merchant shall obtain such information and make and keep such records as the Commission, by rule or regulation, prescribes concerning the registered futures commission merchant's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of its affiliated persons, other than a natural person.

"(B) The records required under subparagraph (A) shall describe, in the aggregate, each of the futures and other financial activities conducted by, and the customary sources of capital and funding of, those of its affiliated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of the futures commission merchant, including its adjusted net capital, its liquidity, or its ability to conduct or finance its operations.

"(C) The Commission, by rule or regulation, may require summary reports of such information to be filed by the futures commission merchant with the Commission no more frequently than quarterly.

"(3)(A) If, as a result of adverse market conditions or based on reports provided to the Commission pursuant to paragraph (2) or other available information, the Commission reasonably concludes that the Commission has concerns regarding the financial or operational condition of any registered futures commission merchant, the Commission may require the futures commission merchant to make reports concerning the futures and other financial activities of any of such person's affiliated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of the futures commission merchant.

"(B) The Commission, in requiring reports pursuant to this paragraph, 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 or to a contract market or other self-regulatory organization with primary responsibility for examining the registered futures commission merchant's financial and operational condition.

"(4)(A) In developing and implementing reporting requirements pursuant to paragraph (2) with respect to affiliated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency. If a Federal banking agency comments in writing on a proposed rule of the Commission under this subsection that has been published for comment, the Commission shall respond in writing to the written comment before adopting the proposed rule. The Commission shall, at the request of the Federal banking agency, publish the comment and response in the Federal Register at the time of publishing the adopted rule.

"(B)(i) Except as provided in clause (ii), a registered futures commission merchant shall be considered to have complied with a recordkeeping or reporting requirement adopted pursuant to paragraph (2) concerning an affiliated person that is subject to examination by, or reporting requirements of, a Federal banking agency if the futures commission merchant utilizes for the recordkeeping or reporting requirement copies of reports filed by the affiliated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes (12 U.S.C. 161), section 9 of the Federal Reserve Act (12 U.S.C. 321 et seq.), section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)), section 10(b) of the Home Owners' Loan Act (12 U.S.C. 1467(a)(b)), or section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844).

"(ii) The Commission may, by rule adopted pursuant to paragraph (2), require any futures commission merchant filing the reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that the supplemental information is necessary to inform the Commission regarding potential risks to the futures commission merchant. Prior to requiring any such supplemental information, the Commission shall first request the Federal banking agency to expand its reporting requirements to include the information.

"(5) Prior to making a request pursuant to paragraph (3) for information with respect to an affiliated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(A) notify the agency of the information required with respect to the affiliated person; and

"(B) consult with the agency to determine whether the information required is available from the agency and for other purposes, unless the Commission determines that any delay resulting from the consultation would be inconsistent with ensuring the financial and operational condition of the futures commission merchant or the stability or integrity of the futures markets.

"(6) Nothing in this subsection shall be construed to permit the Commission to require any futures commission merchant to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained in the report.

"(7) No information provided to or obtained by the Commission from any Federal banking agency pursuant to a request under paragraph (5) regarding any affiliated person that is subject to examination by or reporting requirements of a Federal banking agency may be disclosed to any other person (other than as provided in section 8 or section 8a(6)), without the prior written approval of the Federal banking agency.

"(8) The Commission shall notify a Federal banking agency of any concerns of the Commission regarding significant financial or operational risks resulting from the activities of any futures commission merchant to any affiliated person thereof that is subject to examination by or reporting requirements of the Federal banking agency.

"(9) The Commission, by rule, regulation, or order, may exempt any person or class of persons under such terms and conditions and for such periods as the Commission shall provide in the rule, regulation, or order, from this subsection and the rules and regulations issued under this subsection. In granting the exemption, the Commission shall consider, among other factors—

"(A) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(7) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(7))), a State insurance commission or similar State agency, the Securities and Exchange Commission, or a similar foreign regulator;

"(B) the primary business of any affiliated person;

"(C) the nature and extent of domestic or foreign regulation of the affiliated person's activities;

"(D) the nature and extent of the registered futures commission merchant's commodity futures and options activities; and

"(E) with respect to the registered futures commission merchant and its affiliated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States futures markets.

"(10) Information required to be provided pursuant to this subsection shall be subject to section 8. Except as specifically provided in section 8 and notwithstanding another provision of law, the Commission shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any affiliated person of a registered futures commission merchant.

"(11) Nothing in paragraphs (1) through (10) shall be construed to supersede or to limit in any way the authority of powers of the Commission pursuant to any other provision of this Act or regulations issued under this Act.".

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

SEC. 301. SUBPOENA AUTHORITY.

The third sentence of section 6(c) (7U.S.C. 15) (as redesignated by section 209(a)(1)) is amended—

(1) by striking "Act and" and inserting "Act,"; and

(2) by striking "Act, any" and inserting "Act, and for the purpose of any action taken under section 12(f), any".

SEC. 302. COOPERATION WITH FOREIGN FUTURES AUTHORITIES.

Section 12(a) (7 U.S.C. 16(a)) is amended by inserting after "thereof," the following: "any foreign futures authority, any department or agency of a foreign government or political subdivision thereof,".

SEC. 303. INVESTIGATIVE ASSISTANCE TO FOREIGN FUTURES AUTHORITIES.

Section 12 (7 U.S.C. 16) is amended by adding at the end the following:

"(f)(1) On request from a foreign futures authority, the Commission may, in its discretion, provide assistance in accordance with this section if the requesting authority states that the requesting authority is conducting an investigation which it deems necessary to determine whether any person has violated, is violating, or is about to violate any laws, rules or regulations relating to futures or options matters that the

requesting authority administers or enforces. The Commission may conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance. Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of the laws of the United States.

"(2) In deciding whether to provide assistance under this subsection, the Commission shall consider whether—

"(A) the requesting authority has agreed to provide reciprocal assistance to the Commission in futures and options matters; and

"(B) compliance with the request would prejudice the public interest of the United States.

"(3) Notwithstanding any other provision of law, the Commission may accept payment and reimbursement, in cash or in kind, from a foreign futures authority, or made on behalf of such authority, for necessary expenses incurred by the Commission, its members, and employees in carrying out any investigation, or in providing any other assistance to a foreign futures authority, pursuant to this section. Any payment or reimbursement accepted shall be considered a reimbursement to the appropriated funds of the Commission.".

SEC. 304. DISCLOSURE OF INFORMATION RECEIVED FROM FOREIGN FUTURES AUTHORITIES.

Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) by adding at the end of subsection (a)(1) (as so redesignated by section 205(1)), the following:

"The Commission shall not be compelled to disclose any information or data obtained from a foreign futures authority if—

"(A) the foreign futures authority has in good faith determined and represented to the Commission that disclosure of such information or data by that foreign futures authority would violate the laws applicable to that foreign futures authority; and

"(B) the Commission obtains such information pursuant to—

"(i) such procedure as the Commission may authorize for use in connection with the administration or enforcement of this Act; or

"(ii) a memorandum of understanding with that foreign futures authority;

except that nothing in this subsection shall prevent the Commission from disclosing publicly any information or data obtained by the Commission from a foreign futures authority when such disclosure is made in connection with a congressional proceeding, an administrative or judicial proceeding involving a receiver appointed in a judicial proceeding commenced by the United States or the Commission, in any receivership proceeding commenced by the United States or the Commission, or in any proceeding under title 11 of the United States Code in which the Commission has intervened or in which the Commission has the right to appear and be heard. Nothing in this subsection shall be construed to authorize the Commission to withhold information or data from Congress. 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 section 552."; and

(2) by adding at the end of subsection (b) the following:

"This subsection shall not apply to the disclosure of data or information obtained by the Commission from a foreign futures authority.".

SEC. 305. DISCLOSURE OF INFORMATION TO FOREIGN FUTURES AUTHORITIES.

Section 8(e) (7 U.S.C. 12(e)) is amended—

(1) in the fifth sentence—

(A) by inserting after "jurisdiction," the first place it appears the following: "any foreign futures authority,"; and

(B) by inserting after "such" the following: "foreign futures authority,"; and

(2) in the last sentence—

(A) by inserting after "information to a" the following: "foreign futures authority or to a";

(B) by inserting after "disclosed by such" the following: "foreign futures authority,"; and

(C) by inserting after "or agency thereof" the following: ", or foreign futures authority,".

TITLE VI—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out this Act—

"(1) $53,000,000 for fiscal year 1993; and

"(2) $60,000,000 for fiscal year 1994.".

SEC. 402. TECHNICAL AMENDMENTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) by striking "commission" in—

(A) section 4a (as amended by paragraph (2)) each place it appears, other than in subsection (d), as so redesignated;

(B) section 6(b), as so redesignated by section 209(a)(1), each place it appears;

(C) section 6(c), as so redesignated by section 209(a)(1);

(D) section 13(c);

and inserting "Commission";

(2) in section 4a (7 U.S.C. 6a)—

(A) in subsection (1) by striking "subparagraphs 2 (A) and (B)" and inserting "paragraphs (1) and (2) of subsection (b)";

(B) in subsection (3) by striking "subsection (1)" and inserting "subsection (a)";

(C) by redesignating subsections (1) through (5) as subsections (a) through (e), respectively; and

(D) in subsection (b), as so redesignated, by redesignating paragraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) in section 4b—

(A) by redesignating subdivisions (A) through (D) as subdivisions (i) through (iv), respectively;

(B) by striking "(a)", and "(c)", and inserting "(A)", "(B)", and "(C)", respectively;

(C) by inserting "(a)" after "Sec. 4b.";

(D) by inserting "(b)" before "Nothing in this section or"; and

(E) by inserting "(c)" before "Nothing in this section shall";

(4) in section 4c(d)(2)—

(A) in subparagraph (A)(iv) by striking "(15 U.S.C. 78c(a)(12))" and inserting "(15 U.S.C. 78c(a)(12))"; and

(B) in the matter following subparagraph (C) by striking "section (2)(a)" and inserting "section 2(a)";

(5) in section 4g (7 U.S.C. 6g)—

(A) by redesignating subsections (1) through (6) as subsections (a) through (f), respectively; and

(B) in subsection (c), as so redesignated, by striking "subsection (2)" and inserting "subsection (b)";

(6) in section 6(c), as so redesignated by section 209(a)(1), by striking "offending person." and inserting "offending person";

(7) in section 6(c), as so redesignated by section 209(a)(1), and in section 8(f) by striking "subpena" and "subpenas" each place they appear and inserting "subpoena" and "subpoenas", respectively;

(8) in section 6a, as amended by section 209(b)(4), by redesignating subsections (1) and (2) as subsections (a) and (b), respectively;

(9) by striking "the Secretary of Agriculture or"—

(A) in the first sentence of section 6(b), as so redesignated by section 209(a)(1);

(B) in the first sentence of section 6(c), as so redesignated by section 207(a)(1); and

(C) in section 13(c);

(10) in section 8a—

(A) in paragraph (5) by striking "and" at the end; and

(B) in paragraph (7) by striking "matters as:" and inserting "matters as—";

(11) in section 14(g) by striking "fifteen months" the second place it appears and inserting '15-months';

(12) in section 17—

(A) in subsection (a) by indenting the left margin of paragraphs (1) and (2) by 2 ems; and

(B) in subsection (1)(2)(B)—

(i) by striking "the Commodity Exchange" and inserting "this"; and

(ii) by striking the period at the end and inserting "; and";

(13) by striking section 21;

(14) in section 22(a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "clauses (A) through (D)" and inserting "subparagraphs (A) through (D)"; and

(ii) in subparagraph (D) by striking "clause (B)" and inserting "subparagraph (B)"; and

(B) in paragraph (2) by striking "17b(10)" and inserting "17(b)(10)"; and

(15) by striking section 23.

SEC. 403. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

SEC. 404. DEFINITIONS.

(a) In General.—The Act is amended by inserting after the first section (7 U.S.C. 1) the following new section:

"SEC. 1a. DEFINITIONS.

"As used in this Act:

"(1) BOARD OF TRADE.—The term 'board of trade' means any exchange or association, whether incorporated or unincorporated, of persons who are engaged in the business of buying or selling any commodity or receiving the same for sale on consignment.

"(2) COMMISSION.—The term 'Commission' means the Commodity Futures Trading Commission established under section 2(a)(2).

"(3) COMMODITY.—The term 'commodity' means wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils) cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, and all other goods and articles, except onions as provided in Public Law 85-839 (7 U.S.C. 13-1), and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in.

"(4) COMMODITY POOL OPERATOR.—The term 'commodity pool operator' means any person engaged in a business that is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, except that the term does not include such persons not within the intent of the definition of the term as the Commission may specify by rule, regulation, or order.

"(5) COMMODITY TRADING ADVISOR.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'commodity trading advisor' means any person who—

"(i) for compensation or profit, engages in the business of advising others, either directly or through publications, writings, or electronic

media, as to the value of or the advisability of trading in—

"(I) any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market;

"(II) any commodity option authorized under section 4c; or

"(III) any leverage transaction authorized under section 19; or

"(ii) for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the activities referred to in clause (i).

"(B) EXCLUSIONS.—Subject to subparagraph (C), the term 'commodity trading advisor' does not include—

"(i) any bank or trust company or any person acting as an employee thereof;

"(ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant, or teacher;

"(iii) any floor broker or futures commission merchant;

"(iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees;

"(v) the fiduciary of any defined benefit plan that is subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.);

"(vi) any contract market; and

"(vii) such other persons not within the intent of this paragraph as the Commission may specify by rule, regulation, or order.

"(C) INCIDENTAL SERVICES.—Subparagraph (B) shall apply only if the furnishing of such services by persons referred to in subparagraph (B) is solely incidental to the conduct of their business or profession.

"(D) Advisors.—The Commission, by rule or regulation, may include within the term 'commodity trading advisor', any person advising as to the value of commodities or issuing reports or analyses concerning commodities if the Commission determines that the rule or regulation will effectuate the purposes of this paragraph.

"(6) CONTRACT OF SALE.—The term 'contract of sale' includes sales, agreements of sale, and agreements to sell.

"(7) COOPERATIVE ASSOCIATION OF PRODUCERS.—The term 'cooperative association of producers' means any cooperative association, corporate, or otherwise, not less than 75 percent in good faith owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with the Act of February 18, 1922 (42 Stat. 388, chapter 57; 7 U.S.C. 291 and 292), including any organization acting for a group of such associations and owned or controlled by such associations, except that business done for or with the United States, or any agency thereof, shall not be considered either member or nonmember business in determining the compliance of any such association with this Act.

"(8) FLOOR BROKER.—The term 'floor broker' means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market.

"(9) FLOOR TRADER.—The Term 'floor trader' means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, purchases, or sells solely for such person's own account, any commodity for future delivery on or subject to the rules of any contract market.

"(10) FOREIGN FUTURES AUTHORITY.—The term 'foreign futures authority' means any foreign government, or any department, agency, governmental body, or regulatory organization empowered by a foreign government to administer or enforce a law, rule, or regulation as it relates to a futures or options matter, or any department or agency of a political subdivision of a foreign government empowered to administer or enforce a law, rule, or regulation as it relates to a futures or options matter.

"(11) FUTURE DELIVERY.—The term 'future delivery' does not include any sale of any cash commodity for deferred shipment or delivery.

"(12) FUTURES COMMISSION MERCHANT.—The term 'futures commission merchant' means an individual, association, partnership, corporation, or trust that—

"(A) is engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market; and

"(B) in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

"(13) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce—

"(A) between any state, territory, or possession, or the District of Columbia, and any place outside thereof; or

"(B) between points within the same state, territory, or possession, or the District of Columbia, but through any place outside thereof, or within any territory or possession, or the District of Columbia.

"(14) INTRODUCING BROKER.—The term 'introducing broker' means any person (except an individual who elects to be and is registered as an associated person of a futures commission merchant) engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

"(15) MEMBER OF A CONTRACT MARKET.—The term 'member of a contract market' means an individual, association, partnership, corporation, or trust owning or holding membership in, or admitted to membership representation on, contract market or given members' trading privileges thereon.

"(16) PERSON.—The term 'person' imports the plural or singular, and includes individuals, associations, partnerships, corporations, and trusts."

(b) CONFORMING AMENDMENTS.—SECTION 2(a)(1)(A) (7 U.S.C. 2 AND 4) IS AMENDED—

(1) by striking "For the purposes" and all that follows through: "Provided, That the Commission" and inserting "(i) The Commission";

(2) by striking: "And provided further, That, except" and inserting a period and "Except";

(3) by redesignating clauses (i) and (ii) of the third sentence (as in effect before the amendments made by this subsection) as subclauses (I) and (II), respectively;

(4) by designating the fifth sentence (as in effect before the amendments made by this subsection) as clause (ii);

(5) by striking the sixth and seventh sentences (as in effect before the amendments made by this subsection);

(6) by designating the eighth sentence (as in effect before the amendments made by this subsection) as clause (iii); and

(7) by striking the ninth sentence (as in effect before the amendments made by this subsection) through the end of the subparagraph.

TITLE V—INTERMARKET COORDINATION

SEC. 501. MARGIN ON STOCK INDEX FUTURES.

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

"(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the Stock index futures contract (or option thereon).

"(II) The Board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

"(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

"(V) Any action taken by the Board, or by the Commission acting under the delegation of authority under subclause III, under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board or the Commission, as the case may be, at the time the determination was made. The court reviewing the action of the Board or the Commission shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

SEC. 502. EXEMPTIVE AUTHORITY.

(a) IN GENERAL.—Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c), it shall be unlawful"; and

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

"(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, after notice and opportunity for hearing, may (on its own initiative or on application of any person, including any board of trade designated as a contract market for transactions for future delivery in any commodity under section 5 of this Act) exempt any agreement, contract, or transaction (or class thereof) that is otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods and either retroactively or prospectively, or both, from any of the requirements of subsection (a), or from any other provision of this Act (except section 2(a)(1)(B)), if the Commission determines that the exemption would be consistent with the public interest."

"(2) The Commission shall not grant any exemption under paragraph (1) from any of the re-

quirements of subsection (a) unless the Commission determines that—

"(A) The requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

"(B) the agreement, contract, or transaction—

"(i) will be entered into solely between appropriate persons; and

"(ii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

"(3) For purposes of this subsection, the term 'appropriate person' shall be limited to the following persons or classes thereof:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings association.

"(C) An insurance company.

"(D) An investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

"(E) A commodity pool formed or operated by a person subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K) of this paragraph.

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80a–1 et seq.), or a commodity trading advisor subject to regulation under this Act.

"(H) Any governmental entity (including the United States, any state, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

"(I) A broker-dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another appropriate person.

"(J) A futures commission merchant, floor broker, or floor trader subject to regulation under this Act acting on its own behalf or on behalf of another appropriate person.

"(K) Such other persons that the Commission determines to be appropriate in light of their financial or other qualifications, or the applicability of appropriate regulatory protections.

"(4) During the pendency of an application for an order granting an exemption under paragraph (1), the Commission may limit the public availability of any information received from the applicant if the applicant submits a written request to limit disclosure contemporaneous with the application, and the Commission determines that—

"(A) the information sought to be restricted constitutes a trade secret; or

"(B) public disclosure of the information would result in material competitive harm to the applicant.

"(5) The Commission may—

"(A) promptly following the enactment of this subsection, or upon application by any person, exercise the exemptive authority granted under paragraph (1) with respect to classes of hybrid instruments that are predominantly securities or depository instruments, to the extent that such instruments may be regarded as subject to the provisions of this Act; or

"(B) promptly following the enactment of this subsection, or upon application by any person, exercise the exemptive authority granted under paragraph (1) effective as of October 23, 1974, with respect to classes of swap agreements (as defined in section 101 of title 11, United States Code) that are not part of a fungible class of agreements that are standardized as to their material economic terms, to the extent that such agreements may be regarded as subject to the provisions of this Act.

Any exemption pursuant to this paragraph shall be subject to such terms and conditions as the Commission shall determine to be appropriate pursuant to paragraph (1).

"(d) The granting of an exemption under this section shall not affect the authority of the Commission under any other provision of this Act to conduct investigations in order to determine compliance with the requirements or conditions of such exemption or to take enforcement action for any violation of any provision of this Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.".

(b) COMPETITIVE FAIRNESS.—Section 15 (7 U.S.C. 19) is amended by striking "regulations," and inserting "regulation (including any exemption under section 4(c) or 4c(b)),".

(c) CONFORMING AMENDMENT.—Section 12(e)(2)(A) (7 U.S.C. 16(e)(2)(A)) is amended by inserting after "market," the following: "or, in the case of any State or local law that prohibits or regulates gaming or the operation of 'bucket shops' (other than antifraud provisions of general applicability), that is not a transaction or class of transactions that has received or is covered by the terms of any exemption previously granted by the Commission under subsection (c) of section 4 of this Act,".

From the Committee on Agriculture, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
GLENN ENGLISH,
HARLEY O. STAGGERS, Jr.,
RICHARD H. STALLINGS,
DAVE NAGLE,
BILL SARPALIUS,
TIM JOHNSON,
JERRY HUCKABY,
DAN GLICKMAN,
TIMOTHY J. PENNY,
MIKE ESPY,
JILL L. LONG,
CHARLES W. STENHOLM,
ROBIN TALLON,
TOM COLEMAN,
BOB SMITH,
STEVE GUNDERSON,
LARRY COMBEST,
WAYNE ALLARD,
BILL BARRETT,
JIM NUSSLE,
JOHN A. BOEHNER,
PAT ROBERTS,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
FRANK ANNUNZIO,
STEPHEN L. NEAL,
CARROLL HUBBARD, Jr.,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
CHALMERS P. WYLIE,
JIM LEACH,
BILL MCCOLLUM,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
EDWARD J. MARKEY,
JAMES H. SCHEUER,
MIKE SYNAR,
DENNIS E. ECKART,
JIM SLATTERY,
NORMAN F. LENT,
MATTHEW J. RINALDO,
CARLOS J. MOORHEAD,
DON RITTER,
Managers on the Part of the House.

PATRICK LEAHY,
DAVID L. BOREN,
HOWELL HEFLIN,
KENT CONRAD,
RICHARD G. LUGAR,
ROBERT DOLE,
THAD COCHRAN,
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 amendment of the Senate to the bill (H.R. 707) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

[NOTES.—(1) The parentheticals following each item number designate the location of the provision in the House bill (H), Senate amendment (S), or Conference reported bill (C), as appropriate.

(2) Any references to "the Act" in this statement of managers is a referee to the Commodity Exchange Act, unless otherwise specifically provided.]

1. Short title and table of contents (H 1; S 1; C 1)

The House bill provides that this Act may be cited as the "Commodity Futures Improvements Act of 1992".

The Senate amendment provides that this Act may be cited as the "Futures Trading Practices Act of 1991".

The Conference substitute adopts the Senate provision with an amendment changing the date to 1992.

2. Dual trading—Restriction (H 101; S 202; C 101)

The House bill requires the Commodity Futures Trading Commission (Commission) to issue regulations prohibiting dual trading by floor brokers in any contract market with an average daily trading volume greater than the threshold trading level—subject to certain exceptions—and requires a broker to stipulate at the beginning of each trading session whether he or she is trading for the broker's own or for customers' accounts. The regulations must provide for transition measures, as determined necessary by the Commission in the public interest, for a contract market when volume increases to or above, or decreases below, the threshold trading level. Notwithstanding other provisions, the House bill requires the Commission to make a determination, as it deems necessary, whether or not dual trading should be allowed in contract markets where it is not prohibited. The House bill also preserves the ability of each contract market to set terms and conditions more restrictive than those set by the Commission. Under the House bill regulations implementing the dual trading ban must be issued within 270 days from the date of enactment. Regulations on exemptions must be issued within 240 days.

The Senate amendment adds a new section 8e(c) to the Commodity Exchange Act (Act) to provide that, within 18 months of enactment, the Commission is to suspend the privilege of dual trading on any contract market which fails to meet relevant standards. The Senate amendment provides that any dual trading suspension is to remain in effect until the Commission finds that conditions that would otherwise have allowed dual trading to continue are met. The Senate amendment also requires the Commission to report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry whenever a deficiency order is issued or suspension of dual trading at a contract market is ordered and requires the Commission to make annual reports regarding steps undertaken to carry out the section.

The Conference substitute adopts the House provision with an amendment to apply regulations prohibiting dual trading to any contract market unless an exemption is explicitly granted (except that the dual trading ban shall not apply to any contract market with an average daily trading volume below the threshold trading level). The threshold trading level is to be set initially at 8,000 contracts per day. The Commission may approve increases in the threshold level for specific contract markets during the first 3 years after enactment. Beginning 3 years after the date of enactment, the Commission may approve increases or decreases in the threshold trading level. The Conference substitute requires that the Commission provide adequate notice of any change in the threshold that will have an impact on trading at a contract market. This notice should be adequate, at a minimum, to allow the affected contract market to take the appropriate response to the increase or decrease, including, where applicable, (1) to adjust its trading, audit trail, and other practices to accommodate the new threshold; (2) to challenge the new threshold; (3) to apply for an exemption under new section 4j(a)(3) of the Act; or (4) to take such other actions necessary to implement the new threshold. The Conference substitute provides that the regulations implementing the prohibition of dual trading may take effect not less than 30 days after their issuance, and must include specified transition measures and a phase-in period. The regulations must also include measures designed to accommodate unique or special characteristics of individual markets. Once in effect, the regulations shall apply to any contract market for which an explicit exemption has not been granted.

The Conferees note that the amendments to section 4j of the Commodity Exchange Act included in the Conference substitute, as well as both the House bill and the Senate amendment, are not intended to override or call into question the broad authority currently granted to the Commission under section 4j(1) to determine whether or not to permit dual trading by floor brokers and, if so, under what conditions. However, the Conferees intend that new section 4j(a) will provide the primary means by which the Commission will address violations attributable to dual trading.

3. Dual trading—Definition (H 101; S 202; C 101)

The House bill requires that the Commission promulgate a definition of the term "dual trading."

The Senate amendment defines "dual trading" as the "execution of customer orders by a floor broker on any trading day during which the floor broker has executed any trade in the same contract market for—(1) the account of the follow broker; (2) an account for which the broker has trading discretion; or (3) an account controlled by a person with whom such broker is subject to trading restrictions under section 4j(3)."

The Conference substitute adopts the Senate provision with a technical amendment.

4. Dual trading—Exception (H 101; S 202; C 101)

The House bill makes an exception from the dual trading restriction for contract markets with trading of less than 7,000 contracts per day (based on a 6-month moving average) and gives the Commission discretion to alter the threshold for specific contract markets giving consideration to the effects of the ban on liquidity, price volatility, bid-ask spreads, and the public interest. The House bill requires notification of the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry whenever a change in the threshold is made. The House bill also provides for exceptions from the dual trading ban for spread trades and trades to correct errors, and in cases where customers specifically authorize an individual broker to dual trade on their behalf. The House bill further requires the Commission to exempt from the dual trading ban any contract market which shows that it has an audit trail system that will detect violations associated with dual trading and is fully verifiable, if the Commission determines that such an exception is in the public interest. The House bill requires the Commission to act on a contract market's exemption request within 60 days of receipt.

The Senate amendment requires that dual trading be suspended under a deficiency order unless it is found that: (a) the contract market is in compliance with the self-regulatory (audit trail and other) standards required by the bill or (b) that there is a substantial likelihood that a dual trading suspension would harm the public interest in hedging and price basing at such contract market and that other remedies are not appropriate. The Senate amendment also authorizes the Commission to make exceptions to ensure fairness and orderly trading in a contract market.

The Conference substitute adopts the House provision with amendments relating to exemptions from the ban on dual trading. It requires the Commission to grant an exemption from the ban for a contract market: (1) that meets the Conference substitute's trade monitoring system requirements; or (2) with regard to which the Commission finds that banning dual trading would be harmful to the public interest, and for which the Commission finds that other corrective actions are sufficient to bring the contract market into compliance with the trade monitoring system requirements. As noted above, under the Conference substitute the ban on dual trading would not apply with respect to any contract market with average daily trading volume below the threshold trading level. Under the Conference substitute, the audit trail standards and dual trading provisions are linked both in terms of substance and timing. The Conferees believe that audit trail systems should evolve and improve over time. The Conferees therefore are not requiring contract markets initially to implement an independent, precise and complete audit trail in order to be allowed to continue dual trading on a specific contract market. Instead, the Conferees expect that existing audit trail systems that qualify under section 5a(b)(2) of the Act, if implemented effectively and diligently, would meet the initial audit trail requirements for a dual trading exemption insofar as those systems are capable of detecting, and are being used in any disciplinary actions for prosecuting, violations attributable to dual trading. When the second phase of the audit trail standard (the independent, precise and complete test) takes effect in three years, the heightened audit trail standard would be applied, for the first time, in the context of the dual trading exemption standard.

The Conference substitute establishes procedures under which a contract market may apply for an exemption from the prohibition on dual trading and authorizes the Commission to approve or deny an application for exemption or to approve the application subject to conditions. It requires the Commission to give notice and opportunity for a hearing to any board of trade if an application for an exemption is to be denied or conditionally approved and specifies findings the Commission must make in considering an application for an exemption. The Conference substitute also provides procedures for judicial review of any final Commission action with respect to an exemption application. Exemption may be revoked by the Commission upon a finding, after providing notice and opportunity for a hearing to the affected board of trade, that a condition of the exemption is not being met. An application for an exemption must be acted on within 75 days of its receipt or as soon as is practicable. To make efficient use of resources, the Commission may develop a timetable to coordinate its review of applications for exemptions under this paragraph with the completion of any Commission review of the affected board of trade's trade monitoring system. In any event, the Conferees intend that action on these applications be expeditious—within 75 days where practicable—particularly where a dual trading ban has been imposed and a board of trade is attempting to demonstrate that it has satisfied the requirements to have the prohibition lifted. The prohibition would not initially take effect with regard to a particular contract market which has applied for an exemption until the Commission either approves conditionally or denies the application. The Conference substitute requires the Commission to publish

in the Federal Register notice of exemptive petitions and any proposed and final actions on such petitions. "Proposed actions" in this context are intended to include actions of significance that would normally be published in the Federal Register or otherwise subject to review or comment by the general public or the petitioner. The Conference substitute requires a 20 day delay on the effective date of a Commission order denying an application or granting a conditional exemption unless more expeditious action is necessary.

5. and 6. Broker Associations (H 102; S 211; C 102)

The House bill prohibits a member of a broker association from executing a customer trade where the opposite position is taken by another member of the association. The House bill also prohibits a member of a broker association from executing trades with another member of the association in any case where such transactions constitute more than 25 percent of the broker's transactions in any month and authorizes the Commission to prohibit other broker association practices were appropriate. The Commission's regulations must include a definition of the term "broker association." The House bill preserves the authority of the Commission and contract markets to implement regulations on broker associations which are more restrictive than those in the bill. Under the House bill, regulations required to implement the provision must be issued within 270 days from the date of enactment. The House bill also requires a Commission report to Congress. Under the House bill, Commission regulations may provide for exceptions to broker association trading restrictions in cases of trades executed through trading systems where the identity of the opposite broker is unknown.

The Senate amendment prohibits a floor broker from executing customer order transactions with an affiliated broker or a broker with whom he or she has an employment relationship, partnership, or affiliation, if the broker knows of the association at the time of the trade. The provision of the Senate amendment is to take effect 270 days after enactment. Under the Senate amendment, broker association trading restrictions are not to apply if the Commission adopts rules which it certifies are designed to deter abuses. Neither would the restriction apply in the case of a contract market that has adopted restrictive rules, unless the Commission determines that the rules are not adequate.

The Conference substitute adopts the Senate provision. The Conferees anticipate that, in adopting rules under this provision, the Commission should take into account the availability of existing data collection systems which can be used effectively for compliance purposes under this section in order to avoid duplicative registration requirements.

7. Broker Associations—Disclosure (S 212; C 103)

The House bill contains no similar provision.

The Senate amendment requires each contract market to provide for disclosure to the exchange and to the Commission of any business or financial arrangement between floor brokers and traders where the arrangement is material and known to the floor brokers or traders.

The Conference substitute adopts the Senate provision.

8. Audit trail—Standard (H 201; S 201 & S 202; C 201 & C 202)

The House bill requires each contract market to maintain a single record for each trade showing time of execution, quantity, and other information required by the Commission. Each record must enable the contract market to rapidly construct an accurate description of each transaction executed on the contract market. Under the House bill, the time of execution of each trade is to be stated in increments of not more than

(1) 1 minute in length by no later than 1 year from date of enactment; and

(2) 30 seconds in length within 3 years after enactment.

The House bill also provides that a board of trade shall not be designated as a contract market for a new contract unless all of its existing contract markets are in compliance with the audit trail requirements.

The Senate amendment imposes standards for implementation of audit trails recording times of trades in increments of not more than 1 minute in length and also requires that, within 3 years of the date of enactment, each contract market have an audit trail system that records trading data in a form which—

(1) cannot be altered;

(2) provides data to the market on a continuous basis;

(3) to the extent practicable, identifies among other things the time of a given trade independently of the trader and establishes the time at which customer trading orders are delivered to an exchange floor for execution.

The Senate amendment authorizes the Commission to establish standards under which the required audit trail records must show the sequence of all trades made by all traders and brokers at a given exchange and the interval between the time of receipt and time of execution of each order by the floor broker. The Senate amendment requires the Commission to biennially assess compliance with audit trail and other contract market duties and requires the Commission to issue a deficiency order to any market not in compliance. The Senate amendment requires remedial action including, where appropriate, suspension of dual trading in a contract market which fails to demonstrate compliance.

The Conference substitute adopts the Senate provision with amendments to: (1) grant the Commission authority to determine the extent to which a contract market need not meet the standard where the Commission determines that circumstances beyond the control of the contract market prevent compliance despite the contract market's affirmative good faith efforts to comply; and (2) provide that a board of trade shall not be designated as a contract market for a new contract unless all of its existing contracts are in compliance.

The Conferees understand that a number of exchanges plan to develop the technologies and systems needed to implement the audit trail requirements of the Conference substitute; other exchanges plan to acquire the audit trail technology from another party. The Conferees expect the Commission to apply the "affirmative good faith efforts" test in an equitable manner in both of these and in other appropriate situations which may arise where an exchange is developing the technologies and systems to implement the audit trail requirements and to situations where an exchange is acquiring the audit trail technology from another party and in other appropriate situations.

The Conferees have authorized the Commission to adopt regulations providing for sequencing of all trades and recording of the time interval between a floor broker's receipt of an order and the execution of such order. The determination of whether such regulations are necessary to effectuate the audit trail objectives set forth in the new statutory provisions is left to the Commission. The Conferees intend, however, that any regulations adopted by the Commission would be compatible with the pit trading system currently prevalent in United States futures markets, insofar as regulations would apply to such trading. If the Commission determines such regulations to be necessary, this provision confirms the Commission's authority to promulgate such regulations.

The Conferees intend that under the Conference substitute, a board of trade may satisfy the initial burden of demonstrating that each of its designated contract markets complies with trade monitoring system requirements of section 5a(b) of the Act, subject to requests for further information by the Commission, by showing that it has maintained an ongoing record of compliance with those requirements. Evidence of this record of compliance could include—

(1) a description of the trade monitoring system in place at the board of trade and the compliance history of that system;

(2) the findings regarding that trade monitoring system under the Commission's most recent rule enforcement or other similar review;

(3) the absence of any recent or pending Commission enforcement actions, deficiency order actions or other administrative actions with respect to the board of trade's designated contract markets, or, if appropriate, information addressing the status or findings of any such actions;

(4) the existence of any order issued by the Commission exempting the board of trade's designated contract markets from the dual trading prohibition under section 4j(a)(1) of the Act and the board of trade's record of compliance with any conditions attached to that order; and

(5) such other information as the Commission determines necessary.

9. Audit Trail—Reports (H 201(a); S 202(b); C 201(b))

The House bill requires a Commission compliance status report to be submitted to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry within 180 days of enactment. The House bill also requires the Commission to determine whether the audit trail standards imposed have enabled rapid reconstruction of trades in an accurate and verifiable manner and whether recording and reconstruction can be accomplished on a real time basis through the use of improved technologies or other means. The House bill also requires a report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry relating to those determinations no later than 5 years after enactment.

The Senate amendment requires that within 2 years of enactment, the Commission must submit to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry a report assessing progress in each contract market in complying with audit trail requirements. It also requires the GAO to submit views regarding the report.

The Conference substitute adopts the Senate provision.

10. Audit Trail—Exemptions (S 201(a); C 201)

The House bill contains no similar provision.

The Senate amendment requires that the Commission, to the extent appropriate, ex-

empt low volume exchanges from certain audit trail requirements as long as they substantially comply with the objectives of the audit trail requirements and otherwise maintain a high level of compliance with the subsection. The Senate amendment also requires the Commission, to the extent it determines appropriate, to exempt categories of customer orders transmitted to and reported from a trading area in an extremely rapid manner and that substantially comply with the trade monitoring system requirements.

The Conference substitute adopts the Senate provision with an amendment to require the Commission to grant an exemption from the trade monitoring system requirements with respect to an exchange if trading volume at each contract market on the exchange is relatively small—including if it is below the threshold trading level for each contract market at the exchange—and the Commission finds that the trade monitoring system at the exchange otherwise maintains a high level of compliance.

11. Audit Trail—Oral orders (S 203(a); C 203)

The House bill has no similar provision.

The Senate amendment requires the Commission to issue rules that require a contemporaneous written record be made, as practicable, of all orders placed by a member present on the floor of a contract market for execution by another member.

The Conference substitute adopts the Senate provision. The Conferees understand that if a written order is prepared as required for customers under Commission regulations, then that record would satisfy the requirements of this provision.

12. Additional contract market duties (S 201(a); C 201)

The House bill has no similar provision.

The Senate amendment requires that each contract market maintain and utilize a system to monitor floor trading. Each system must include: physical observation of trading areas; audit trail systems; systems to review audit trail data on a regular basis to detect violations; use of such information consistently to bring appropriate disciplinary actions; the commitment of adequate resources; and the assessment of meaningful penalties.

The Conference substitute adopts the Senate provision.

13. Deficiency orders (S 202(a); C 202)

The House bill has no similar provision.

The Senate amendment requires that within 18 months of enactment and at least biennially thereafter, the Commission must conduct an assessment regarding the trade monitoring system of each contract market to determine whether or not it satisfies the requirements contained in section 5a(b) of the Act (as added by section 201(a) of the Senate amendment). The Senate amendment also requires that the Commission issue a deficiency order to any contract for which it has reason to believe that the contract market's trade monitoring system does not satisfy one or more of such requirements. A deficiency order must specify the deficiencies which the Commission has reason to believe exist, the corrective action the contract market must take, a timetable for such action, and a date upon which the deficiency order will become final.

The Conference substitute adopts the Senate provision with amendments to:

(1) clarify that the bill authorizes, but does not require, the Commission to issue a deficiency order to any contract market for which the Commission has reason to believe the trade monitoring system does not meet the requirements;

(2) clarify that new section 8e(a) of the Act requires the Commission to assess the trade monitoring systems at each contract market at least once every 2 years, to the extent practicable; and

(3) authorize the Commission to use other administrative or enforcement actions to bring the contract market's trade monitoring system into compliance with the requirements of new section 5a(b).

The Conferees intend that the authority for the Commission to "take such other administrative or enforcement action as the Commission determines is appropriate" grant the Commission maximum flexibility to enforce the requirements under section 5a(b) of the Act, including the authority to provide for the satisfaction of section 5a(b) requirements through informal discussion or negotiation with the contract market, as well as through formal agency action.

14. Deficiency orders—Penalties (S 202(a); C 202)

The House bill has no similar provision.

The Senate amendment provides that once an order becomes final, the Commission may impose one or more of the following requirements on a contract market:

(1) that trade monitoring system improvements be made;

(2) that the contract market satisfy stated objective performance criteria to correct deficiencies;

(3) that the contract market upgrade or reconfigure systems for collecting or processing relevant data; and

(4) that dual trading be suspended on the contract market.

The Senate amendment authorizes the commission to use the deficiency order procedure to remove an officer, director, or employee of a contract market who has willfully violated the Act, abused his or her authority, or failed to enforce compliance without reasonable justification. During the period that a proposed or final deficiency order is in effect, the Commission may refrain from approving any application for designation as a contract market made by the exchange whose contract market is the subject of the order.

The Conference substitute adopts the Senate provision with an amendment clarifying that a deficiency order may be used to revoke an exemption from the dual trading prohibition.

15. Deficiency orders—Review (S 202(a); C202)

The House bill has no similar provision.

The Senate amendment provides a procedure through which a contract market may seek review of a deficiency order including the right to petition the Commission to rescind, modify, or delay the order. The Senate amendment requires that the Commission rule on the petition no less than 20 days prior to the order's taking effect. The Senate amendment also provides that, for purposes of establishing liability and penalties, a violation of a deficiency order is to be considered a violation of an order of the Commission. The Senate amendment also establishes a procedure under which a contract market or other aggrieved person may seek judicial review of a deficiency order.

The Conference substitute adopts the Senate provision with conforming amendments.

16. Deficiency orders—Reports to Congress (S 202(a))

The House bill has no similar provision.

The Senate amendment requires that the Commission report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry regarding the issuance of any proposed or final deficiency order or any decision to suspend the privilege of dual trading. It also requires the submission of annual reports to the committees regarding action under new section 8e of the Act regarding deficiency orders and Commission oversight.

The Conference substitute deletes the Senate provision.

17. Telemarketing fraud (H 202; S 273; C 204)

The House bill requires each registered futures association to adopt a rule specifying the factors it will consider in determining whether to take disciplinary action to require a member to adopt special supervisory procedures relating to telephone solicitation for new futures or options customer accounts. The procedures would provide at a minimum that a member may not enter any order for a new customer solicited by telephone until 3 days after the customer signs a risk acknowledgement statement.

The Senate amendment requires futures associations to establish supervisory guidelines for telephone solicitation. The guidelines may require that a member may not enter an order for a new customer solicited by telephone until 3 days after the customer signs a risk acknowledgement statement. The Senate amendment requires submission of guidelines to the Commission for approval no later than 180 days after enactment.

The Conference substitute adopts the Senate provision.

18. Undercover operations (H 203; S 265; C 205)

The House bill directs the Commission to continue to request assistance from and cooperate with appropriate Federal agencies in the conduct of undercover investigations.

The Senate amendment allows the Commission to authorize, by order, specific employees to carry out undercover investigations into possible violations of the Act. Prior to issuing an order, the Commission must notify the Attorney General. The Commission may not issue an order unless it has first requested that the Attorney General conduct the proposed undercover investigation and the Attorney General has declined to do so. The Senate amendment also requires that the Commission adopt regulations for undercover investigations that are similar to regulations issued by the Attorney General for the conduct of undercover investigations.

The Conference substitute adopts the House provision with an amendment to include a requirement that the Commission and the Department of Justice assess the effectiveness of undercover operations relating to investigations carried out under the Act. The Conference substitute also requires that, within two years from the date of enactment, the two agencies make recommendations to Congress with regard to any additional undercover or other authority for the Commission which either agency believes to be necessary.

19. Disciplinary Committees—Contract markets (H 203; S 221; C 206(a)(1))

The House bill requires the establishment in each contract market of a system of disciplinary committees composed of trading members or board of trade staff. The House bill provides that in no instance may more than half of the members of a disciplinary committee be of the same trading status as the person who is the subject of the disciplinary action. The three trading statuses are: (1) floor broker or floor trader; (2) a member other than a member who acts primarily as a floor broker or a floor trader; and (3) staff

members of the board of trade. It provides that a disciplinary committee may have a smaller hearing panel and requires the Commission to issue regulations within 180 days from enactment requiring each contract market to provide public notification regarding disciplinary actions.

The Senate amendment requires each contract market to provide for a diversity of membership on all disciplinary committees. The Senate amendment specifies that a disciplinary committee hearing a major disciplinary matter must include persons from segments of the exchange membership other than that of the person who is the subject of the disciplinary proceeding, including, where appropriate, persons who are not members of the exchange to include a case in which a director or committee member is the subject of the disciplinary action or where the case involves facts related to a manipulation of market prices.

The Conference substitute adopts the Senate provision with an amendment to clarify references to members from differing "segments" with revised language based on the House bill's "trading status" formulation. The Conference substitute also clarifies that, in appropriate situations, members of the contract market that participate in trading pits or principal groups of commodities other than those directly involved in a proceeding may comprise the majority of a disciplinary committee's membership.

20. Disciplinary actions—Contract markets—Customer notification (S 221; C 206(b)(1))

The House bill has no similar provision.

The Senate amendment requires that if a final action is taken by a contract market with respect to a disciplinary matter involving a trader regarding an action that affects a customer, the customer must be notified of the key facts and of the action taken.

The Conference substitute adopts the *Senate* provision.

21. Board memberships and Disciplinary Committees—Contract markets (H 204; S 221; C 206(a)(2))

The House bill requires that each contract market, in accordance with regulations, publish a list of major rule violations committed on that contract market. The House bill requires the Commission to issue regulations within 180 days of enactment to preclude membership on any governing board or disciplinary committee of any member found to have committed any major violations of contract market rules.

The Senate amendment prohibits the participation on any contract market governing board by any individual found to have violated commodity or any other laws reflecting on their fitness.

The Conference substitute adopts the House provision with an amendment to incorporate provisions of the Senate amendment with respect to individuals found to have violated commodity or other laws reflecting on their fitness.

22. Board memberships—Diversity of membership and outside members (H 204(c); S 221; C 206)

The House bill requires that at least 20% of the members of any contract market or registered futures association governing board be outside members as defined by the Commission.

The Senate amendment requires each contract market to provide for meaningful representation on its board of diverse interests including futures commission merchants, producers and consumers, floor brokers and traders, and representatives of a variety of the commodities traded. The Senate amendment also includes a requirement that at least 20% of the members of the board of a contract market be individuals who are not contract market members and that at least 10% of the board must consist of farmers, producers, merchants, or exporters of principal commodities traded on the exchange. Under the Senate amendment, an applicant for registration as a futures association must provide for a diversity of membership on its governing boards and disciplinary committees (including the requirement that 20% of the Board be non-members or non-regulated persons). The Senate amendment also requires the Commission to adopt regulations for the implementation of the section within 270 days from the date of enactment.

The Conference substitute adopts the Senate provision with an amendment to clarify that not less than 20% of the regular voting members of contract market and registered futures association boards must be outside members. Regular voting members are those members that routinely vote on matters before the Board, rather than those eligible to vote only in the event of a tie vote.

23. Registered futures associations—Publication of violations and participation of rules violators (H 204(b); C 206(b)(2))

The House bill requires the Commission, by regulation issued within 180 days of enactment, to require each registered futures association to publish a list of major rule violations and to preclude from membership on a disciplinary committee or governing board any individual who has been found to have committed any major violation.

The Senate amendment has no similar provision.

The Conference substitute adopts the House provision.

24. Floor trader registration (H 205; S 231; S 232; S 261; C 207)

The House bill defines the term "floor trader" as anyone who trades in a contract market solely for his or her own account. It prohibits contract market trading by a floor trader unless the person is registered under the Act. The House bill subjects floor traders to reporting requirements and provides that floor traders are not to be subject to certain actions brought under State jurisdiction. The House bill authorizes the Commission to register floor traders and to refuse to register floor traders in certain circumstances. The Commission must issue regulations not later than 180 days after the date of enactment.

The Senate amendment similarly defines the term "floor trader" in section 261. The registration, reporting, and State jurisdiction provisions are identical to provisions of the House bill.

The Conference substitute adopts the House provision with an amendment to include the Senate definition and harmonize the effective dates.

The Conferees note that while current Commission rules require that floor brokers must renew their registration every two years, such frequent renewals are not needed to fulfill the purposes underlying the registration of floor traders. The central goal of requiring registration of floor traders is to assure that these individuals are subject to the same background fitness checks as other Commission registrants and to allow the Commission to act with respect to the person's registration in appropriate cases. The Conferees encourage the Commission to develop means of maintaining the up-to-date status of floor trader registrations that are less frequent than the system of two-year renewals required of floor brokers who execute purchases and sales for customer accounts.

25. Enhancement of registration requirements (H 206; S 267; C 208)

The House bill authorizes the Commission to refuse to register or to revoke the registration of any person: who is enjoined by a court from engaging in certain illegal activities; who has been convicted of certain felonies; or whose activity is restricted by a foreign futures regulatory authority.

The Senate amendment has an identical provision.

The Conference substitute adopts the House provision.

26. Assessment and enforcement of civil money penalties (H 207; S 244; C 209)

The House bill reorganizes section 6 of the Act. It requires the Commission, in determining the amount of any civil money penalty, to consider the appropriateness of the penalty to the gravity of the violation. The House bill removes provisions in current law requiring that the Commission consider the appropriateness of the size of the penalty to the size of the business or economic strength of the individual subject to the action. The House bill provides that fifteen days after a penalty is assessed for a violation of the Act, an individual who has not paid the penalty nor filed a notice of appeal is to be restricted from trading on any contract market and the individual's registration is to be revoked.

The Senate amendment contains provisions which are substantially the same as the House provision.

The Conference substitute adopts the House provision.

27. Ethics training (H 208; S 264; C 210)

The House bill requires registrants to attend periodic training sessions to ensure that they understand their ethical responsibilities. The Commission has 180 days from enactment to issue regulations.

The Senate amendment is identical to the House provisions except that the Commission would be allowed 270 days to issue regulations.

The Conference substitute adopts the House provision.

28. Nationwide service of process and venue (H 209; S 274; C 211)

The House bill specifies the judicial districts in which a private right of action may be brought under section 22 of the Act and provides that process may be served in the judicial district of which the defendant is an inhabitant or wherever the defendant may be found.

The Senate amendment includes provisions making identical modifications in existing law.

The Conference substitute adopts the House provision.

29. Monitoring of Hedge Exemptions (H 210)

The House bill requires the Commission to issue regulations that require each contract market to monitor closely the trading activities of any person holding a hedge exemption. It also requires the contract market to take appropriate action when it finds that anyone with such an exemption has a position which is not a bona fide hedging position, and preserves the authority of the Commission and contract markets to restrict transactions and positions in accordance with established limits on trading. Regulations are to be promulgated to implement the provision within 180 days from date of enactment.

The Senate amendment has no similar provision.

The Conference substitute deletes the House provision. The House provision would require the Commission to issue regulations requiring contract markets to monitor closely the trading activities of any person "granted an exemption" from the speculative position limits which section 4a of the Act authorizes the Commission to set. Subsequent to the passage of the House bill, the Commission approved permanent rules of the Chicago Board of Trade (CBT) setting exchange limits for those contract markets that previously had only Commission-set limits. Thus, by voluntarily adopting its own speculative position limits for these commodities, the CBT is already specifically required by the Act and Commission regulations to administer and monitor its granting of hedge exemptions and has authority to address violations of such exemptions—the intent of the House provision. Additionally, the Commission, through its regular rule enforcement review process retains and uses its authority to monitor exchange compliance monitoring of hedge exemptions they grant.

The Conferees agreed to delete the House provision from the bill in recognition of the actions taken since the bill was first passed by the House. In essence, a hedge exemption monitoring system to help police against abuses has been put in place since House action, in particular, at the CBT where concerns which originally prompted the House provision were noticed. In light of these actions, the provision would add little practical authority to the Commission or to exchanges. Nonetheless, in deleting the provision, it remains the intent of the Conferees that the Commission and exchanges remain diligent in exercising monitoring and enforcement authority to prevent abuses of hedge exemptions.

30. Increased penalties (H 211; S 243; C 212)

The House bill imposes increased monetary penalties for felony violations of the Act. In particular, the House bill: increases the penalty for embezzlement to $1 million for corporations and $500,000 for individuals; increases the penalty for manipulation of prices to $1 million for corporations and $500,000 for individuals; and increases the fine for a Commissioner or Commission employee engaging in trading or disclosing insider information to $500,000.

The Senate amendment alters the penalty structure for civil as well as felony violations. The Senate amendment: increases penalties for violation of the Act from $100,000 to the higher of $100,000 or triple the monetary gain attained illegally; increases the penalty for failure of a contract market or registered futures association to comply with its rules of government to $500,000; and deletes a provision of existing law directing that the penalty be appropriate to the net worth of the offending person.

The Conference substitute adopts the House provision with an amendment to increase penalties for civil violations as required in the Senate amendment.

31. Contract market emergency actions (H 212; C 213)

The House bill requires the Commission to issue regulations which specify the terms and conditions under which a contract market (by a two-third votes of its governing board) may declare a market emergency. It also requires notification by the contract market to the Commission prior to implementation of any emergency action. Where prior notification is not feasible, notification must be made by the earliest possible date. The House bill requires that within ten days of receiving such notification (or as soon as is practicable), the Commission is to approve or disapprove the emergency rule and report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. The Commission is required to promulgate regulations implementing the provision within 90 days of the date of enactment.

The Senate amendment includes no similar provision.

The Conference substitute adopts the House provision with an amendment. Under the Conference substitute the Commission must, within ten days of receipt of notification, or as soon as practicable thereafter, determine whether it is appropriate either:

(1) to permit the emergency rule to remain in effect; or

(2) to suspend the effect of such rule pending review.

The Conference substitute requires that the Commission submit a report to Congress regarding any such determination, and the basis thereof, within 10 days of receipt of notification from the contract market. If the Commission's report to Congress is submitted after the ten day period has elapsed, the report shall include the Commission's explanation as to why submission within the ten day period was not practicable. The Conference substitute specifies the judicial review process that would apply to a determination by the Commission to suspend an emergency rule.

32. Insider trading (H 213; S 269; C 214)

The House bill makes it a felony for any person who is an employee or board member of a board of trade to disclose material, nonpublic information for any purpose other than the performance of the person's official duties. It also makes it a felony for an individual to trade for his or her own account on the basis of material, nonpublic information regarding a trade by a person to whom the individual is a principal or employee if the trade to be conducted by the person to whom the individual is a principal or employee is to be in excess of reporting levels established by the Commission. The House bill also makes to a felony to disclose information related to a trade in excess of reporting levels to any individual for the purpose of assisting the individual in executing a trade for his or her own account. A violation is punishable by a fine of up to $100,000 plus profits realized and imprisonment for up to 3 years. The Commission is required to issue regulations within 360 days from the date of enactment.

The Senate amendment makes it a felony for any employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association, in violation of a regulation issued by the Commission, to willfully and knowingly trade on that information or to disclose the information for a purpose inconsistent with the person's official duties.

The Conference substitute adopts the Senate provision with an amendment. In addition to the explicit felony violation in the Senate amendment, the substitute makes it a felony for any person to willfully and knowingly trade for his or her own account on the basis of material, nonpublic information which the individual knows was obtained illicitly from an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association. The substitute makes a violation subject to a penalty of up to $500,000 and imprisonment of up to five years, or both. A violator may also be subject to costs of prosecution as part of the penalty.

Under the Conference substitute, the Commission is required to issue regulations implementing the provision no later than 360 days after the date of enactment.

33. Qualifications of commissioners (H 214; C 215)

The House bill requires that each Commissioner have demonstrated knowledge in futures trading or its regulation and in the production, merchandising, processing or distribution of one or more of the commodities or other goods and articles, services, rights, and interests covered by the Act and that the President, in appointing members to the Commission, seek to ensure that the demonstrated knowledge of the Commissioners is balanced with respect to these areas.

The Senate amendment includes no similar provision.

The Conference substitute adopts the House provisions with an amendment to clarify that the President must nominate prospective Commissioners who meet the demonstrated knowledge test.

34. Commission operations (S 102; C 216)

The House bill has no similar provision.

The Senate amendment amends section 12(b) of the Act to authorize the Commission to hire up to 8 additional Senior Executive Service employees which the Office of Personnel Management shall authorize.

The Conference substitute adopts the Senate provision.

35. Margins on stock index instruments (H 215)

The House bill requires the Commission to monitor initial and maintenance margins on stock index futures to maintain the integrity of the futures markets, and to protect the public interest. It directs the Commission to take such action as it deems necessary to require sufficient margin levels if a determination is made that they are not properly established and present a clear and present danger to the integrity of the markets and the public interest. The House bill also provides that if the Commission takes such action, it may then require that the contract market submit to the commission all rules relating to margin levels for the Commission's approval.

The Senate amendment has no similar provision.

The Conference substitute deletes the House provision.

36. Monitoring of index arbitrage trading (H 216)

The House bill requires the Commission to monitor index arbitrage and related program trading strategies to ensure that such trading does not threaten the integrity of the futures markets, create excess volatility, nor otherwise adversely affect the public interest. The House bill expresses the sense of Congress that if the Commission determines that arbitrage trading presents a clear and present danger to the integrity of the market, it should take such action pursuant to its existing authority as it deems necessary to ensure that such arbitrage trading does not present such a clear and present danger.

The Senate amendment has no similar provision.

The Conference substitute deletes the House provision.

37. Prohibition on voting by interested members (H 217; S 221; C 217

The House bill provides that no member of a contract market governing board or committee thereof may vote on any contract

market rule if it is determined that the member or the legal entity of which the member is an officer or employee or of which the member owns a substantial interest, or a legal entity affiliated with the member have a direct financial interest in the subject matter of the rule.

The Senate amendment requires each contract market to provide for the avoidance of conflict of interest in all deliberations by the governing board and any disciplinary and oversight committees. At a minimum, a member of such a board or committee may not vote on an issue in which he or she is the named party in interest. The Senate amendment also provides that, before taking emergency market action, the governing board, directly or through an authorized person, shall review the positions of all members and their affiliated firms and shall consider whether any member must abstain from participating due to those positions.

The Conference substitute adopts the Senate provision with an amendment. The Conference substitute requires that each contract market's conflict of interest rules require: that a board or committee member abstain from a vote on any significant action if he or she knowingly has a direct and substantial financial interest in the subject matter of the vote; that the board or committee itself or a designated staff member review the market positions of each member of the board or committee prior to deliberations on any significant action; and that the minutes of the meeting reflect that such a position review has taken place. The Conference substitute further provides that no contract market, or authorized member or contract market official, employee or agent thereof, shall be liable for having conducted a review of a member's market position and taken or not taken further action regarding that member's participation in the deliberation at issue, except for an action brought by the Commission charging violations of the Act based on allegations that the contract market or its official employees or agent that conducted the review failed to conduct an adequate review under this subparagraph or used or disclosed any information obtained in the review process for any purpose inconsistent with that person's official duties. The Conference substitute also requires the Commission to issue regulations specifying the conditions under which a member who is required to abstain from voting may participate in the deliberations of the board or committee.

The Conferees intend that, for purposes of this provision, any member of a governing board or a disciplinary or other oversight committee would be considered to be "affiliated" with a firm:

(1) where such member serves as an employee, officer, or director; or

(2) that is the parent company as determined by the Commission of any firm of which the member is an employee, officer, or director.

38. Study of Agricultural commodity contract delivery points (H 218; S 275)

The House bill requires GAO to conduct a study of the provision for and functioning of delivery on agricultural futures contracts and requires a report on the study within 1 year from date of enactment.

The Senate amendment is substantially the same as the House provision except that it specifies two additional aspects which should be studied.

The Conference substitute deletes both the House and Senate provisions. The Managers note that in response to the request of the Chairman of the House Committee on Agriculture, the General Accounting Office has published a report on the subject addressed in the House bill and Senate amendment. The report—"Chicago Futures Markets: Selecting Agricultural Futures Delivery Points Involves Tradeoffs," U.S. General Accounting Office, Washington, D.C., GAO, GGD-91-84—was released in June, 1991.

39. Assessments on transactions (H 219; S 103; C 218)

The House bill requires GAO to conduct a study on the feasibility of funding Commission activities through collection of fees on futures and options transactions; requires a report on the study within 1 year from date of enactment.

The Senate amendment requires the Commission to promulgate regulations containing a schedule of appropriate fees to be assessed against "persons benefiting from services rendered and activities and functions performed by the Commission"; provides that receipts from fees are not to exceed $3.9 million in fiscal year 1992, $7.8 million in fiscal year 1993, $13.8 million in fiscal year 1994, $20.8 million in fiscal year 1995, and $21.7 million in fiscal year 1996.

The Conference substitute adopts the House provision.

40. International competitiveness (H 220; C 219)

The House bill requires the Commission to study the competitiveness of U.S. boards of trade compared with foreign boards of trade and requires a report within 18 months.

The Conference substitute adopts the House provision with an amendment. The Commission is to include in its study consideration of whether trends in foreign markets are the result of regulatory action as opposed to other competitive, economic, regional, or commercial factors. The Conference substitute also directs the Commission to analyze whether significant risk is imposed on the public and on market users in foreign countries as a result of lack of regulatory safeguards. The Conference substitute also directs the Commission to make efficient use of available resources by requesting the assistance of other Federal entities including the General Accounting Office and the Office of the U.S. Trade Representative.

41. Computerized trading (H 221; S 270; C 220)

The House bill requires the Commission to conduct a study regarding the feasibility of having all futures contracts traded electronically and requires a report within two years from date of enactment. The House bill also requires that the Commission establish a pilot program to collect information on an encourage the use of computerized and electronic trading.

The Senate amendment directs the Commission to facilitate the development and operation of computerized trading as an adjunct to open outcry and directs Commission to cooperate with U.S. trade officials in removing trade barriers on international use of electronic trading systems.

The Conference substitute adopts the Senate provision with an amendment to provide for a progress report consistent with the House bill.

42. Money penalties in civil court actions (H 222; 245; C 221)

The House bill authorizes the Commission to seek a court's imposition of a civil money penalty of up to the higher of $100,000 or triple the monetary gain to a charged individual in the same action in which an injunction is sought for a civil violation under the Act.

The Senate amendment is nearly identical to the House provision.

The Conference substitute adopts the Senate provision.

43. Civil Damages; Liability of future commission merchants (S 241; C 222)

The House bill contains no similar provision.

The Senate amendment requires each contract market and registered futures association to have in place procedures for customers to be awarded actual damages for claims arising from a contract market rule violation in the execution of an order for a floor trade. In addition, punitive damages of up to twice the amount of actual damages may be awarded where it is found that the violation was willful and intentional. In each case, if a floor broker found to be responsible for the violation does not pay the award, the futures commission merchant (FCM)—who selected the broker for execution of the trade may be made responsible for paying the award to the customer, except that the FCM would not be responsible for paying punitive damages unless the FCM willfully and intentionally selected the floor broker to facilitate the violation. The Senate amendment includes a similar provision which applies to private actions brought by futures customers in Federal court or under Commission reparations procedures.

The Conference substitute adopts the Senate provision with an amendment to clarify that customers need not proceed against floor brokers for actual damages prior to proceeding against the FCM.

The Conferees note that under the Senate amendment, a futures commission merchant who selected a floor broker to execute a customer order and who is responsible under section 2(a)(1) of the Act for the floor broker's violation in executing the order, may have been required to satisfy any award to the customer only "if the floor broker fails to do so."

By its references to floor brokers whom the futures commission merchant selects, the Senate amendment is directed to the conduct of so-called independent floor brokers with whom the futures commission merchant has some contractual or other selection arrangement.

The Conferees were concerned that section 241 of the Senate amendment, by conditioning a futures commission merchant's liability for payment of actual damages only "if the floor broker fails to do so," may have been read as requiring the customer to proceed first against the "independent" broker for actual damages even if the customer establishes that the broker was acting within the scope of the agency under section 2(a)(1). This would have been a retreat from a customer protection aspect of existing section 2(a)(1) under which customers may proceed against a firm without the necessity of also suing the employee. Moreover, in Commission reparations cases, firms are held jointly and severally liable for the damage award with their non-employee agents. By striking this conditional language with respect to actual damages, the Conferees intend to make this provision consistent with these current practices.

44. Customer restitution (S 242; C 223)

The House bill has no similar provision.

The Senate amendment provides that the Commission may require that any person found to have violated the Act pay restitution to customers in the amount of damages proximately caused by violations of such person.

The Conference substitute adopts the Senate provision.

45. False information to SROs (S 246; C 212(a))

The House bill contains no similar provision.

The Senate amendment makes it a felony to supply false information to a self-regulatory organization. A violation is punishable by a fine of up to $100,000 or imprisonment of up to 5 years, or both.

The Conference substitute adopts the Senate provision with an amendment to include penalty levels from House bill.

46. Willful violations; false and misleading statements (S 247; C 212)

The House bill contains no similar provision.

The Senate amendment provides that anyone who knowingly and willfully commits any violation of the Act or regulations thereunder or submits false information in any application, report or document required to be filed under the Act is to be subject to a fine of up to $500,000 or imprisonment of up to 5 years, or both.

The Conference substitute adopts the Senate provision with amendments to:

(1) include the penalty levels from the House bill: and (2) clarify that generally the provision would apply to violations which are committed willfully, but that no person would be subject to imprisonment for the violation of any rule or regulation if he or she proves that he or she had no knowledge of such rule or regulation. The structure parallels the scienter standard under the similar provision of the Securities and Exchange Act of 1934 (15 USC 78ff) (see *U.S.* v. *Dixon*, 536 F2d 1388 (2d Cir., 1976)).

47. Complaints against registered persons; class action suits (S 248; C 224)

The House bill has no similar provision.

The Senate amendment authorizes individuals similarly situated to file suits for violations of the Act as class action suits if the Commission has adopted final rules to permit such actions. The Senate amendment requires that the Commission propose rules within 270 days from the date of enactment.

The Conference substitute adopts the Senate provision.

48. Penalties study and guidelines (S 249; C 225)

The House bill contains no similar provision.

The Senate amendment requires the Commission to study penalties imposed for violation of the Act and provides that not later than 2 years after date of enactment, the Commission is to report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry on the results of the study. The report shall propose industry wide penalty guidelines or rules to make penalties consistent among exchanges. In addition, it shall propose guidelines or rules to make Commission penalties consistent.

The Conference substitute adopts the Senate provision with an amendment to include registered futures associations.

In adopting this provision, the Conferees intend for the Commission to adopt and publish guidelines, subject to public notice and comment, to govern the imposition of civil penalties in Commission administrative actions. The Conferees believe that registrants should not be subject to the maximum penalty which may be imposed in a Commission administrative action when the violation is of a less serious nature. The Conferees expect that these guidelines will establish maximum tiers of civil penalties which may be imposed for different types of violations, with the higher tiers available only with respect to violations of a more serious nature such as those involving fraud or manipulation, substantial losses to another person or substantial gains to the person responsible for the violation, or reckless disregard of regulatory requirements. Through these guidelines, the Conferees expect the Commission to clarify that occasional violations of certain other regulatory obligations will not be subject to the higher tiers of civil monetary penalties.

49. Foreign futures authority—definition (H 301; S 261; C 404)

The House bill defines foreign futures authority.

The Senate amendment is nearly identical to the House provision.

The Conference substitute adopts the Senate provision

50. Foreign futures authority—subpoenas (H 302; S 251; C 301)

The House bill gives the Commission and ALJs authority to issue subpoenas and take certain actions to assist foreign futures authorities in investigations.

The Senate amendment is nearly identical to the House provision.

The Conference substitute adopts the Senate provision.

51. Foreign futures authority—cooperation (H 303; S 254; C 302)

The House bill authorizes the Commission to cooperate with any foreign futures authority.

The Senate amendment is identical to the House provision.

The Conference substitute adopts the House provision.

52. Foreign futures authority—investigative assistance (H 304; S 255; S 256; C 303)

The House bill authorizes the Commission to assist any foreign futures authority in any investigation that the authority is conducting into possible violations of its nation's futures trading laws and authorizes the Commission to conduct any investigation it deems to be necessary to assist in the authority's request. The House bill also authorizes the Commission to accept payment and reimbursement from a foreign futures authority for services provided.

The Senate amendment is nearly identical to House provisions.

The Conference substitute adopts the House provision. The Conference substitute authorizes the Commission, in its discretion, to provide assistance to a foreign futures authority which is conducting an investigation relating to a futures or options matter that the foreign authority administers or enforces.

Although the new subsection (f)(1) of section 12 authorizes the Commission to provide such assistance without regard to whether the facts stated in the request would also constitute a violation of any U.S. law, the Conferees intend that this authority only be exercised in conjunction with the future requirement that compliance with the request should not prejudice the public interest of the United States, as stated in the new subsection (f)(2)(B).

The Conferees are sensitive to the novel nature of the power being granted to the Commission to require a United States citizen to respond to any inquiry rooted in a matter that is not itself a violation of United States law. The Conferees emphasize, therefore, that in a case where there is no clear interest of the United States to be discerned by cooperation with the inquiry, the Conferees expect that the Commission will not grant the request. The Conferees expect that the Commission's regulatory focus will continue to be the protection of the interest of the United States in an orderly and fair marketplace.

In making this determination, the Commission would consider, among other things, the existence of appropriate safeguards against possible abuse or overuse of the procedure by foreign authorities, the need to obtain reciprocal cooperation from foreign authorities, and the demands of such requests by foreign authorities on the Commission's own resources. The Conferees understand that, in using this new authority, the Commission will follow the requirements of its rules relating to the gathering of information, including rules governing investigations found in 17 C.F.R., Part 11.

For example, the rules relating to compulsory process require that the Commission itself issue an order authorizing the use of subpoenas in each particular investigation and designating the specific staff who may issue such subpoenas. Further, a Commission order authorizing the use of subpoenas must include a general description of the scope of the investigation. In this regard, the Conferees understand that such an order issued under this new authority will, at a minimum, identify specifically the provisions of foreign law that form the basis of the investigation. The Commission also is required to make a copy of the order available for inspection by any person who is required to provide documents or testimony pursuant to a subpoena. The Conferees also understand that, in the event that the recipient of a subpoena issued to assist a foreign authority chooses not to comply, the Commission must vote on whether to authorize an application to enforce the subpoena in Federal district court.

53. Foreign futures authority—disclosure of information received from foreign futures authorities (H 305; S 252; C 304)

The House bill specifies that the Commission is not to be compelled to disclose any information or data obtained from a foreign futures authority except that it cannot withhold information from Congress or in a judicial proceeding. Under the House bill provisions of the Act allowing Commission to disclose information are not to apply to information obtained from a foreign futures authority.

The Senate amendment states that the provisions of the Act allowing the Commission to disclose information are not to apply to information obtained from a foreign futures authority.

The Conference substitute adopts the House provision with an amendment to clarify that this provision of the Act is a statute described in subsection (b)(3)(B) of section 552, title 5, U.S. Code (the Freedom of Information Act). Recent years have brought a dramatic increase in the number and volume of futures contracts traded worldwide, and an increasing economic interdependence among financial markets worldwide. As a process of globalization of the futures markets continue, the Commission's international cooperative efforts with foreign futures regulatory and self-regulatory authorities in enforcement matters have increased greatly. The Conferees believe that these efforts are an important component of the Commission's accomplishment of its enforcement responsibilities under the Act.

The Commission currently cooperates with a wide range of foreign regulatory, self-regu-

latory and criminal authorities in enforcement matters, via formal and informal information sharing arrangements. In the past two years, the Commission has signed five memoranda of understanding (MOUs) with regulatory counterparts in the United Kingdom, France, Canada, and Brazil, covering information sharing and assistance for the full range of Commission enforcement concerns. These MOUs are important tools in the Commission's efforts to enforce effectively the Commodity Exchange Act in an increasingly international environment. The Conferees understand that the Commission will enter into additional MOUs with regulatory authorities in other countries.

The Conferees are aware that the Commission has been unable to bring into force and may be unable to agree upon MOUs with certain foreign authorities because of conflicts between the confidentiality requirements of foreign laws and the Freedom of Information Act (FOIA). Similar conflicts also exist because of the possibility that the Commission could be required to disclose confidential records obtained from a foreign authority pursuant to a subpoena issued to the Commission in an action to which the Commission is not a party. These conflicts arise because some foreign laws require that documents provided to a foreign authority must, under certain circumstances, be kept confidential, unless disclosure is necessary or required in the course of an investigation or enforcement action brought by that authority. The Commission, of course, must comply with FOIA, valid court orders requiring production of Commission records, and other laws that may preclude withholding documents provided by foreign authorities from the public.

The Conference substitute would eliminate these potential conflicts by amending section 8 of the Commodity Exchange Act to enable the Commission to maintain the confidentiality of certain information received from foreign futures authorities. This provision is crucial to the Commission's ability to negotiate additional MOUs, as well as to bring into forces its existing MOU with its counterpart authority in France. I order to facilitate the cooperation of foreign authorities in providing the Commission with investigate assistance, the Conferees believe that documents furnished to the Commission should be exempt from disclosure if the foreign authority represents to the Commission that it has made a good faith determination that the disclosure of the documents would violate the confidentiality requirements of its country's laws.

54. Foreign futures authority—disclosure of information to foreign futures authorities (H 306; S 253; C 305)

The House bill permits the Commission to furnish information regarding the Commission's investigations upon the request of a foreign futures authority.

The Senate amendment is nearly identical to the House provision.

The Conference substitute adopts the Senate provision.

55. Authorization (H 401; S 101; C 401)

The House bill authorizes the appropriation of $48.5 million for fiscal year 1992 and $53 million for fiscal year 1993.

The Senate amendment authorizes the appropriation of $48.3 million for fiscal year 1992, $56.1 million for fiscal year 1993, $61.9 million for fiscal year 1994, $68.2 million for fiscal year 1995, and $79.1 million for fiscal year 1996.

The Conference substitute adopts the House provision with an amendment to authorize appropriations to carry out the Commodity Exchange Act of $53 million for fiscal year 1993 and $60 million for fiscal year 1994.

56. Technical Amendments (H 402; C 402)

The House bill includes technical amendments.

The Senate amendment has no similar provision.

The Conference substitute adopts the House provisions.

57. Effective date (H 403; S 401; C 403)

The House bill provides that the Act and amendments made by it are to take effect on the date of enactment.

The Senate amendment states that except as otherwise provided, the provisions are to take effect on the date of enactment.

The Conference substitute adopts the Senate provision.

58. Definitions (S 261; C 404)

The House bill has no similar provision.

The Senate amendment reorganizes current sec. 2(a) of the Act and includes definitions of "foreign futures authority" and "floor trader."

The Conference substitute adopts the Senate provision.

New section 1a of the Act, as added by section 404(a) of the Conference substitute, reorganizes the definitions that heretofore were included in section 2(a) of the Act. In adopting this provision the Conferees do not intend to imply that the current definitions are in any way altered by their recodification here.

The Conferees would like to clarify, however, that transactions involving the sale of any cash commodity for deferred shipment or delivery (forward contracts) are excluded from the term "future delivery" under section 2(a)(1)(A) of the Act.

To the extent that *Bybee* v. *A-Mark Precious Metals, Inc.*, 945 F.2d 309 (9th Cir. 1991), can be read to imply that certain contracts may simultaneously be futures contracts and forward contracts, the Conferees emphasize that this misinterprets a long-existing interpretation of law. Under the Commodity Exchange Act, forward contracts and futures contracts are separate categories and have been since the original enactment of futures statutes decades ago.

The *A-Mark* decision has raised the concern that scam artists will rely on the decision to market off-exchange futures in the guise of cash forward contracts. To address that concern, the Conferees encourage the Commission and the states to continue to pursue fraud and illegal off-exchange sale of futures under section 12(e) and other recognized legal precedents, such as *Commission* v. *Co Petro Marketing Group*, 680 F.2d 573 (9th Cir. 1982), another Ninth Circuit decision which the *A-Mark* court itself confirmed. Section 2(a)(1)(A) of the Act expressly declares that the term "future delivery," reenacted in the Conference substitute as new section 1a(11) of the Act, "shall not include any sale of any cash commodity for deferred shipment or delivery," i.e., cash forwards. The jurisdiction of any state or other Federal authority which otherwise has jurisdiction over any such forward contract is not precluded.

59. Publication of Commission opinions (S 206; C 226)

The House bill contains no similar provision.

The Senate amendment provides that whenever the Commission issues an opinion, release, rule, order, interpretation, or other determination, publication shall be made of any Commissioner's separate opinion or dissent.

The Conference substitute adopts the Senate provision.

60. Access by GAO to information maintained by SROs (S 266)

The House bill contains no similar provision.

The Senate amendment provides GAO with access to and the right to examine all records (except those relating to open position data unless at the request of the House or Senate Agriculture Committee) in the possession of any contract market, clearinghouse, or registered futures association under the same terms and conditions as the Commission. The Senate amendment also directs the GAO to maintain the same level of confidentiality for information made available as does the Commission and provides that the Comptroller General's right of access under the section is to be enforceable pursuant to 31 USC 716.

The Conference substitute deletes the Senate provision.

61. Suspension of registrants charged with felonies (S 268; C 227)

The House bill contains no similar provision.

The Senate amendment authorizes the Commission to suspend or modify the registration of any person charged with certain violations of the Act or other Federal or State laws. Action can only be taken after a hearing.

The Conference substitute adopts the Senate provision.

62. Interests of producers of agricultural commodities (S 271)

The House bill has no similar provision.

The Senate amendment directs the Commission, in carrying out the Act, to endeavor to serve the interest of agricultural producers.

The Conference substitute deletes the Senate provision.

63. Appeals by registered futures associations (S 272; C 228)

The House bill contains no similar provision.

The Senate amendment strikes the parenthetical provisions of section 17 of the Act which prohibits registered futures associations from appealing certain decisions.

The Conference substitute adopts the Senate provision.

64. Risk Assessment for holding company systems (S 263; C 229)

The House bill has no comparable provision.

The Senate amendment empowers the Commission to adopt rules or regulations to require futures commission merchants (FCMs): (1) to provide reports to the Commission regarding the activities of affiliated persons that are reasonably likely to affect materially the financial or operational condition of such entities; and (2) to obtain information and make and keep records concerning the FCM's policies, procedures or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of its affiliated persons.

The Commission generally could require from FCMs summary reports of such information no more frequently than quarterly, although further reports may be required based upon adverse market conditions, or based on questions raised by the routine reports filed by the FCM or other available information.

Under the Senate amendment, an "affiliated person" is defined as any person di-

rectly or indirectly controlling, controlled by or under common control with an FCM, as the Commission determines by rule or regulation will effectuate the purposes of this section.

An FCM would be deemed to be in compliance with such recordkeeping or reporting requirements with respect to affiliated persons that are banks (including foreign banks), savings and loan associations, bank holding companies and savings and loan holding companies (and their subsidiaries which are not registered securities brokers or dealers), if such FCM provides copies of reports filed by such affiliated persons with their banking regulatory agency. The Commission may adopt rules requiring FCMs to obtain, maintain or report supplemental information if the Commission explicitly finds that such supplemental information is necessary to assess potential risks to FCMs. The Commission must also first request the appropriate banking regulatory agency to expand its reporting requirements to include such supplemental information.

The Senate amendment requires that the Commission notify the Federal banking agency of any concerns of the Commission regarding significant financial or operational risks resulting from the activities of an FCM to an affiliated persons thereof which is subject to examination by or reporting requirements of the Federal banking agency.

Under the Senate amendment, the Commission may provide exemptions from the reporting requirements either conditionally or upon specified terms and conditions or for stated periods upon considering, among other factors—

(1) whether information of the type required is available from a supervisory agency, a State insurance commission or similar state agency, the Securities and Exchange Commission, or a similar foreign regulator;

(2) the primary business of the affiliated person;

(3) the nature and extent of domestic or foreign regulation of the affiliated person's activities;

(4) the nature and extent of the FCM's commodity futures and options activities; and

(5) with respect to the FCM and its affiliated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in U.S. futures markets.

The Senate amendment provides that the Commission must treat any information reported, or supplied to it by any domestic or foreign regulatory agency, under this provision as information subject to the confidentiality provisions of section 8 of the Commodity Exchange Act (Act), which generally prevents disclosure to third parties.

Nothing contained in this section shall be construed to supersede or limit in any way the authority or powers of the Commission pursuant to any other provision of the Act or regulations promulgated thereunder.

The Conference substitute adopts the Senate provision.

The Conference substitute establishes recordkeeping and reporting requirements for futures commission merchants to assist the Commission in monitoring their exposure to risk from the activities of affiliates. This section is essentially identical to the risk assessment report and recordkeeping requirements established for holding company affiliates of broker-dealers under the Market Reform Act of 1990. Thus, in the case of affiliated persons who are subject to the examination or reporting requirements of a Federal banking agency, the Conference substitute establishes an alternative procedure for futures commission merchants to comply with the legislation's recordkeeping and reporting requirements. To utilize this alternative, a futures commission merchant may obtain copies of reports of condition and similar reports filed by the affiliated persons with the appropriate Federal banking agency. However, a futures commission merchant is not required under any circumstances to obtain copies of examination reports. Moreover, it is not a condition of this procedure that a futures commission merchant obtain or furnish to the Commission copies of reports, such as the F.R. 2068 filed with the Board of Governors of the Federal Reserve System, that are subject to confidentiality procedures similar to or more stringent than those applicable to examination reports.

65. Margins on stock index futures (S 301; C 501)

The House bill has no similar provision.

The Senate amendment requires any contract market in a stock-index futures contract (or option thereon) to file with the Board of Governors of the Federal Reserve System (Board) any rule setting or changing levels of margin (initial or maintenance) for such contract. The Board may at any time request the contract market to set margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement its rules as specified in the request.

Under the Senate amendment, the Board is authorized, subject to such conditions as it may determine, to delegate any or all of its authority under this subsection only to the Commission. The Commission's existing authority to direct a contract market, upon finding an emergency to exist, to raise temporary emergency margin levels on any such futures contract (or option thereon) is maintained.

The Senate amendment provides that any action taken by the Board under this section directing a contract market to alter or supplement a margin rule is subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. This review is to be based upon an examination of all information before the Board at the time the determination was made. The court reviewing the Board's action may not enter a stay or order of mandamus unless it has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

The Conference substitute adopts the Senate provision with an amendment to provide that the judicial review provisions relating to an action taken by the Board of Governors of the Federal Reserve System will also apply to an action taken by the Commission under delegated authority.

66–69. Exemptive Authority (S 302; C 502)

The Senate amendment proposes to add new subsections (c) through (e) to section 4 of the Act. New section 4(c) authorizes the Commission, by rule, regulation, or order, to exempt any agreement, contract, or transaction (including persons or class or persons involved with such transaction), or class thereof, from the exchange-trading or any other requirements of the Act other than section 2(a)(1)(B). The exemption may be unconditional or subject to stated terms, conditions, or time periods. To grant an exemption, the Senate amendment provides that the Commission must first determine after notice and opportunity for hearing that it would be consistent with the public interest.

The Senate amendment also provides that the Commission may not grant an exemption from the exchange-trading requirement of the Act unless the person seeking the exemption demonstrates to the Commission's satisfaction that the exemption would be consistent with the public interest and with the purposes of the Act and that the agreement, contract or transaction—

(1) will be entered into solely between institutional participants;

(2) will be entered into in connection with a line of business or for hedging or risk managment purposes; and

(3) will not have a material adverse affect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under the Act.

The Senate amendment limits "institutional participants" to the following persons or classes of persons that the Commission determines have the financial and other qualifications to fulfill the terms and conditions of the agreement, contract, or transaction:

(1) A bank or trust company (acting in an individual or fiduciary capacity);

(2) A savings and loan association;

(3) An insurance company;

(4) A registered investment company;

(5) A regulated commodity pool;

(6) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000 or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by certain specified entities;

(7) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, registered investment advisor, or registered commodity trading advisor;

(8) If otherwise authorized to engage in such transactions by law, any governmental entity (including the United States, any state, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the above;

(9) A registered securities broker-dealer acting on its own behalf or on behalf of another institutional participant;

(10) A registered futures commission merchant, floor broker, or floor trader acting on its own behalf or on behalf of another institutional participant; and

(11) Other persons that the Commission determines have such financial and other qualifications.

The Senate amendment requires, in new section 4(d) of the Act, that, to the extent any such agreements may be considered to be subject to regulation under the Act, the Commission, following notice and opportunity for a hearing, grant an exemption for swap agreements (effective as of October 23, 1974) from all prohibitions and requirements of the Act, if:

(a) the Commission determines the exemption is consistent with the public interest;

(b) each party to the swap is a person included in one of the categories listed in the definition of "institutional participant";

(c) the creditworthiness of any party having an actual or potential future obligation under the swap agreement would be a material consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement; and

(d) the swap agreement is not one of a fungible class of agreements that is standardized as to its material economic terms and is not entered into and traded on or through a multilateral transaction execution facility; provided that the foregoing shall not be deemed to preclude any arrangement or facility, between or among parties to swap agreements, that provides for netting of payment obligations resulting from swap agreements.

The Senate amendment provides, in new section 4(e) of the Act, for the Commission to maintain authority to conduct investigations to determine compliance with the conditions or requirements of any exemption issued and to take enforcement actions for violations of the Act, or any rules, regulations, or orders caused by failure to comply with such conditions or requirements.

The Conference substitute adopts new section 4(c) of the Act as proposed by the Senate amendment, with an amendment. Under the Conference substitute, in order to promote responsible economic or financial innovation and fair competition, the Commission may, by rule, regulation, or order, after notice and opportunity for hearing (on its own initiative or an application of any person, including any board of trade designated as a contract market for transactions for future delivery under section 5 of the Act), grant an application to exempt any agreement, contract, or transaction (or class thereof) that is otherwise subject to section 4(a) of the Commodity Exchange Act, either unconditionally or on stated terms and conditions or for stated periods, either retroactively or prospectively or both, from any of the requirements of the Act (except for section 2(a)(1)(B)) if the Commission determines that such an exemption would be consistent with the public interest.

The Commission is not permitted to issue an exemption to section 2(a)(1)(B) of the Act—the so-called Johnson-Shad jurisdictional accord. By this limitation, the Conferees do not intend to call into question the legality of securities-based swap or other transactions, which occur in the private marketplace at the present time, that do not violate the Accord.

The Conference substitute adopts the Senate provision which prohibits the Commission from granting an exemption from the exchange-trading requirement of the Act unless it determines that the requirement should not be applied and that the exemption would be consistent with the public interest and the purposes of the Commodity Exchange Act.

Under the Conference substitute, new section 4(c)(1) requires that the Commission make a determination, before exempting any agreement, contract, or transaction from any provisions of the Act, that the exemption would be consistent with the public interest. The Conferees intend this public interest test to include the national public interests noted in the Act, the prevention of fraud and the preservation of the financial integrity of markets, as well as the promotion of responsible economic or financial innovation and fair competition.

With respect to exemptions from the exchange-trading requirements of section 4(a), the Conference substitute further requires that the Commission determine that the exemption be consistent with the purposes of this Act. The Conferees intend for this reference to the "purposes of the Act" to underscore their expectation that the Commission will assess the impact of a proposed exemption on the maintenance of the integrity and soundness of markets and market participants.

At the same time, new section 4(c)(1) states that the granting of general exemptive authority is intended to promote responsible economic and financial innovation and fair competition. The Conferees intend that the Commission, in considering fair competition, will implement this provision in a fair and even-handed manner to products and systems sponsored by exchanges and non-exchanges alike. The Conferees expect that, in this process, the Commission will apply consistent standards based on the underlying facts and circumstances of the transactions and markets being considered and may make distinctions between exchanges and other markets, taking into account the particular facts and circumstances involved, consistent with the public interest and the purposes of this Act, where such distinctions are not arbitrary and capricious.

New section 4(c)(2)(B)(i) prohibits the granting of an exemption from the exchange-trading requirement unless the agreement, contract, or transaction will be entered into solely between appropriate persons.

New section 4(c)(2)(B)(ii) requires that the Commission, before granting an exemption to the exchange-trading requirement, make a determination that the agreement, contract, or tranaction in question will not have a material adverse affect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act. In making this determination, the Conferees intend that the Commission will look at the potential impact of the new product on such regulatory concerns as market surveillance, financial integrity of participants, protection of customers, and trade practice enforcement. The Conferees do not intend for this provision to allow an exchange or any other existing market to oppose the exemption of a new product solely on grounds that it may compete with or draw market share away from that existing market.

The Conference substitute includes among those covered by the term "appropriate person" generally those individuals and entities described under the term "institutional participant" in the Senate provision. New section 4(c)(3)(K) provides that the term "appropriate person" shall include persons that the Commission determines to be appropriate in light of their financial or other qualifications, or the applicability of appropriate regulatory protections.

The list in new section 4(c)(3) of categories of appropriate persons who may enter into agreements, contracts, or transactions exempted by the Commission from the exchange-trading requirement of section 4(a) is intended to be exhaustive—exempted products may not be offered to or traded by persons who do not fall within one of the stated categories. At the same time, the Conferees intend that the Commission, in stating terms or conditions of an exemption for a product under new section 4(c)(1), may in appropriate cases limit the offering or trading of the product to only some—but not all—of the listed categories. Not every instrument will be appropriate for every listed category of participants in every case. Determining whether particular categories of participants are appropriate for particular instruments will be part of the Commission's responsibility to determine that a proposed exemption is consistent with the public interest.

New section 4(c)(3)(K) recognizes that agreements, contracts, or transactions may be conducted with persons who do not qualify under subparagraphs (A) through (J), when the Commission determines that there are adequate financial or other protections in place against fraud or other illegal conduct. This authority is consistent with the Commission's plenary authority with respect to commodity option transactions, including its authority to permit the issuance, offer, sale and trading of any commodity option under the Act that also may be subject to securities, banking or other applicable laws.

The Conference substitute, in new section 4(c)(4), authorizes the Commission to limit the availability to the public of any information received from an applicant that may be regarded as a trade secret or that would, if made public, otherwise result in material competitive harm to the applicant. In this regard, the Conferees recognize that in reviewing exemptive applications for innovative products, the Commission may determine to withhold from public disclosure trade secrets or other information (including information regarding the product) that may cause competitive harm if made public. Such a determination would be consistent with the Commission's current practice regarding confidential information under the Commodity Exchange Act and under the Freedom of Information Act. The Conferees anticipate that the Commission shall make public, subject to applicable laws, any final order issued pursuant to new section 4(c)(1).

The Conference substitute specifically provides (in new section 4(c)(5)) that the Commission may use its general exemptive authority under new section 4(c)(1) with respect to hybrid instruments and swap agreements.

The Conference substitute also provides, in new section 4(d), that in granting an exemption, the Commission retains its authority to conduct investigations in order to determine compliance with the requirements or conditions of the exemption and to take enforcement action for any violation of any provision of the Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions and requirements.

Section 502 of the Conference substitute amends section 15 of the Act. Section 15 of the Act currently requires that the Commission take into consideration the public interest to be protected by the antitrust laws and to endeavor to take the least anticompeitive means of achieving the objectives of the Act in issuing any order or adopting any rule or regulation under the Act. The Conference substitute confirms that the Commission's responsibility in this area includes the consideration of any exemption under new section 4(c).

In applying section 15 to exemptive orders, the Conferees expect the Commission to prevent unreasonable restraints of trade or monoplies consistent with the public interests served by the antitrust laws. Commission exemptive actions also should reflect the least anticompetitive means of exempting persons or transactions from the provisions of the Act.

Section 502(c) of the Conference substitute amends section 12(e)(2)(A) of the Act to pro-

vide that any State or local law that prohibits or regulates gaming or the operation of "bucket shops" (other than anti-fraud provisions of general applicability) shall not apply with respect to a transaction or class of transactions that has received or is covered by an exemption granted by the Commission under section 4(c). It thus provides legal certainty under both the Act and state gaming and bucket shop laws for transactions covered by the terms of an exemption.

In granting exemptive authority to the Commission under new section 4(c), the Conference recognize the need to create legal certainty for a number of existing categories of instruments which trade today outside of the forum of a designated contract market. These instruments may contain some features similar to those of regulated exchange-traded products but are sufficiently different in their purpose, function, design, or other characteristics that, as a matter of policy, traditional futures regulation and the limitation of trading to the floor of an exchange may be unnecessary to protect the public interest and may create an inappropriate burden on commerce.

The provision included in the Conference substitute is designed to give the Commission broad flexibility in addressing these products either generically or on an individualized, case-by-case basis. Because of the important public policy concerns that have underlaid the Act for sixty years, the Conferees expect the Commission generally to use this authority sparingly. Trading in off-exchange "derivative" instruments has ballooned over the past decade. The total notional principal amount of swaps alone is currently estimated as approximately $4 trillion. This growth and proliferation has spawned many questions of how best to regulate the new markets. Studies are underway by the General Accounting Office and other public and private parties which will be useful to Congress in considering these larger issues of regulatory policy in coming years.

The goal of providing the Commission with broad exemptive powers is not to prompt a wide-scale deregulation of markets falling within the ambit of the Act. Rather, it is to give the Commission a means of providing certainty and stability to existing and emerging markets so that financial innovation and market development can proceed in an effective and competitive manner. Except as discussed below, the Conferees do not intend for the Commission to use this authority to grant broad exemptions from the Act for instruments or markets before these studies are completed and Congress has ultimately decided the issues raised by them.

In this respect, the Conferees expect and strongly encourage the Commission to use its new exemptive powers promptly upon enactment of this legislation in four areas where significant concerns of legal uncertainty have arisen: (1) hybrids, (2) swaps, (3) forwards, and (4) bank deposits and accounts.

Beyond these particular categories, the Conferees intend for the general exemptive authority included in the substitute to allow the Commission to respond to future developments in the marketplace to avoid disruption and promote responsible economic and financial innovation, with due regard for the continued viability of the marketplace and considerations related to systemic risk in financial markets.

The Conferees emphasize that the decision to replace the structure of the Senate amendment—which contained separate exemption or exclusion provisions for swaps, hybrids, and deposits—with a centralized, broad general exemptive provision in no way detracts from the Conferees' intent that the Commission indeed act and act swiftly with respect to these products. Nor should the fact that new section 4(c)(5) of the Act is stated in permissive rather than mandatory terms be interpreted to diminish the expectation of the Conferees that the Commission will proceed.

Hybrids.—New section 4(c)(5)(A) authorizes the Commission to exercise its exemptive authority with respect to classes of hybrid instruments that are predominantly securities or depository instruments, to the extent that such instruments may be considered to be subject to regulation under the Act. As with any exemption issued under this provision the Commission retains the authority to set terms and conditions of this exemption based on the standards in section 4(c) (1) and (2), including consistency of the exemption with the public interest.

Swaps

New section 4(c)(5)(B) authorizes the Commission, to the extent that these instruments may be considered to be subject to regulation under the Act, to exercise its exemptive authority to fashion an exemption for swap agreements (effective as of October 23, 1974) that are not part of a fungible class of agreements that are standardized as to their material economic terms. Again, as with any exemption issued under this provision, the Commission retains the authority to set terms and conditions of this exemption based on the standards in section 4(c) (1) and (2), including consistency of the exemption with the public interest. Thus the Commission may impose conditions on this exemption beyond those of lack of fungibility and standardization.

Forwards

One court has found transactions in the Brent crude oil market to be futures contracts. See *Transnor (Bermuda) Limited* v. *BP North America Petroleum*, 738 F. Supp. 1472 (1990). In response, the Commission has issued a statutory interpretation to the effect that certain transactions in that market qualify as sales of cash commodities for deferred shipment or delivery, that is, forward contracts, and, as such, are not subject to regulation under the Act.

Many markets of this nature are international in scope; foreign parties are already engaging in such transactions free of restraints imposed by the Act that may create competitive disadvantages for U.S. participants.

Without expressing a view regarding the applicability of the Commission's statutory interpretation, the Conferees encourage the Commission to review this situation and these contracts to determine whether exemptive or other action should be taken.

Deposits

The Conferees also encourage and expect the Commission to exercise its exemptive authority with respect to certain bank products such as demand deposits, time deposits, or transaction accounts (as defined in subsections (b)(1), (c)(1), and (e), respectively, of section 204.2 of title 12, Code of Federal Regulations (12 CFR 204.2)) whether indexed or otherwise, to the extent that such instruments may be considered to be subject to regulation under the Act. The Conferees anticipate that this exemption would apply to deposits or accounts offered by: an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act; an insured credit union as defined in section 101 of the Federal Credit Union Act; or a Federal or state branch or agency of a foreign bank as defined in section 1 of the International Banking Act. Again, as with any exemption issued under this provision, the Commission retains the authority to set terms and conditions of this exemption based on the standards in section 4(c) (1) and (2), including consistency of the exemption with the public interest.

The Conferees do not intend that the exercise of exemptive authority by the Commission would require any determination beforehand that the agreement, instrument, or transaction for which an exemption is sought is subject to the Act. Rather, this provision provides flexibility for the Commission to provide legal certainty to novel instruments where the determination as to jurisdiction is not straightforward. Rather than making a finding as to whether a product is or is not a futures contract, the Commission in appropriate cases may proceed directly to issuing an exemption.

In granting the Commission such exemptive authority, the Conferees make no decision concerning whether swaps and hybrids are futures subject to regulation under the Act. If the Commission does not, or has not granted, an exemption to an instrument, this fact alone should not be construed to mean that such instrument is subject to the Act. Finally, the Conferees note that the exemptive authority being provided to the Commission is in respect to the Act only, and that in exempting an instrument from the Act the Commission cannot exempt it from applicable securities and banking laws and regulations.

STUDY OF SWAPS, AND OFF-EXCHANGE DERIVATIVES TRADING

With the intention of providing legal certainty to certain segments of financial markets mentioned above, the Conferees have granted the Commission sufficient authority to allow the trading for products that are contracts for the sale of a commodity for future delivery, notwithstanding the fact that trading of such products is not compatible with one or more of the regulatory restrictions of the Act. In developing this authority, the Conferees have found that it would be useful in the development of legislation relating to markets for derivative financial products to acquire more extensive and specific information in their regard than is currently available.

Therefore, the Conferees direct that the Commission—with the cooperation of and in consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System—conduct a comprehensive study to determine:

(1) the size, scope, activities, and potential risks presented by the markets for swaps and other off-exchange derivative financial products;

(2) the need for additional regulatory controls that should be applicable to the products described in paragraph (1);

(3) how any such regulatory controls could be implemented in a cost-effective manner;

(4) the public policy implications of the decisions in *Krommenhoek* v. *A-Mark Precious Metals Inc.*, 945 F.2nd 309 (9th Cir. 1991) and *Laszlo N. Tauber, M.D.* v. *Salomon Forex Inc., et al.* (E.D. Va., June 1, 1992, Appeal Pending, Case no. 92-1406 (4th Cir.)) is upheld on appeal; and

(5) whether a single Federal regulatory agency should regulate the exchange or off-exchange trading of, and markets for, futures, options, swaps, derivative products, and securities.

The Conferees direct that, not later than one year after the date of enactment of the Futures Trading Practices Act of 1992, the Commission shall submit to Congress a report including:

(1) the determinations made in the study; and

(2) any recommendations of the Commission regarding the regulation of the trading of the studied products and contracts.

70. Hybrid Instruments—Generally (S 303)

The House bill has no comparable provision.

The Senate amendment adds a new section 4c(h) to the Act to provide that nothing in the Act will be considered to govern or in any way be applicable to any transaction meeting the following requirements:

(1) to the extent that the instrument has an embedded or otherwise attached commodity option, the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option, and

(2) to the extent that an instrument has an embedded or otherwise attached contract of sale of a commodity for future delivery, at the date of issuance it is expected that less than 50 percent of the value gained from and payable on the instrument will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued.

The new subsection (b) contained in the Senate amendment specifies that it shall not affect any other exclusion or exemption from the Act of any transaction, including exemptions granted by any rule, regulation or order, and that, except as noted above, nothing therein shall affect the jurisdiction granted to the Commission by the Act over any transaction.

The Conference substitute deletes the Senate provision, although the provisions of the Conference substitute giving the Commission general exemptive authority will allow the Commission to grant exemptions with respect to certain hybrid instruments.

71. Hybrid Instruments—Bank deposits (S 303)

The House bill has no comparable provision.

The Senate amendment adds a new section 4c(i) to the Act, to provide that nothing in that Act will be considered applicable to any deposit (as defined under the Federal Reserve Act and regulations in effect on the date of enactment) offered by—

(1) an insured depository institution;

(2) an insured credit union; or

(3) a Federal or state branch of a foreign bank.

The Conference substitute deletes the Senate provision, although the provisions of the Conference substitute giving the Commission general exemptive authority will allow the Commission to grant exemptions with respect to certain bank deposits and accounts.

72. Hybrid Instruments—Loans (S 303)

The House bill has no comparable provision.

The Senate amendment adds a new section 4c(j) to the Act to provide that nothing in the Act will be considered applicable to any loans made by—

(1) an insured depository institution;

(2) an insured credit union; or

(3) a Federal or state branch of a foreign bank, or to any loan that is a consumer credit transaction subject to the Truth in Lending Act.

The Conference substitute deletes the Senate provision, although section 502 of the Conference substitute giving the Commission general exemptive authority will allow the Commission to grant exemptions with respect to certain bank deposits and accounts.

73. Index Participations (S 304)

The House bill has no comparable provision.

The Senate amendment adds a new section 4c(f)(2) to the Act to provide that nothing in the Act will be deemed to govern or in any way be applicable to any contract traded on a national securities exchange whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission by order dated April 11, 1989, or pending such approval on or prior to December 31, 1990.

The Conference substitute deletes the Senate provision.

74. Registration (S 304)

The House bill has no comparable provision.

The Senate amendment adds a new section 4c(f)(3) which directs the Commission to utilize its existing authority under the Act to facilitate the registration of any person who is a "person associated with a broker or dealer"; or "associated person of a broker or dealer," as those terms are defined in section 3(a)(18) of the Securities Exchange Act of 1934, or the purposes of marketing stock-index futures (or options thereon) to the public.

The Conference substitute deletes the Senate provision.

From the Committee on Agriculture, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
GLENN ENGLISH,
HARLEY O. STAGGERS, Jr.,
RICHARD H. STALLINGS,
DAVE NAGLE,
BILL SARPALIUS,
TIM JOHNSON,
JERRY HUCKABY,
DAN GLICKMAN,
TIMOTHY J. PENNY,
MIKE ESPY,
JILL L. LONG,
CHARLES W. STENHOLM,
ROBIN TALLON,
TOM COLEMAN,
BOB SMITH,
STEVE GUNDERSON,
LARRY COMBEST,
WAYNE ALLARD,
BILL BARRETT,
JIM NUSSLE,
JOHN A. BOEHNER,
PAT ROBERTS,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
FRANK ANNUNZIO,
STEPHEN L. NEAL,
CARROLL HUBBARD, Jr.,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
CHALMERS P. WYLIE,
JIM LEACH,
BILL MCCOLLUM,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
EDWARD J. MARKEY,
JAMES H. SCHEUER,
MIKE SYNAR,
DENNIS E. ECKART,
JIM SLATTERY,
NORMAN F. LENT,
MATTHEW J. RINALDO,
CARLOS J. MOORHEAD,
DON RITTER,
Managers on the Part of the House.

PATRICK LEAHY,
DAVID L. BOREN,
HOWELL HEFLIN,
KENT CONRAD,
RICHARD G. LUGAR,
ROBERT DOLE,
THAD COCHRAN,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5482

Mr. FORD of Michigan, submitted the following conference report and statement on the bill (H.R. 5482), to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-973)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5482), to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rehabilitation Act Amendments of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—ADMINISTRATION AND VOCATIONAL REHABILITATION SERVICES

Subtitle A—Administration

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Allotment percentage.
Sec. 104. Nonduplication.
Sec. 105. Administration of the Act.
Sec. 106. Reports.
Sec. 107. Evaluation.
Sec. 108. Review of applications.
Sec. 109. Carryover.
Sec. 110. Client assistance information.
Sec. 111. Traditionally underserved populations.

Subtitle B—Vocational Rehabilitation Services

Sec. 121. Policy; authorization of appropriations.
Sec. 122. State plans.
Sec. 123. Determinations of eligibility and individualized written rehabilitation program.
Sec. 124. Scope of vocational rehabilitation services.
Sec. 125. Non-Federal share for construction.
Sec. 126. State Rehabilitation Advisory Council.
Sec. 127. Evaluation.
Sec. 128. Monitoring and review.

Sec. 129. Expenditure of certain amounts.
Sec. 130. Training of employers with respect to Americans with Disabilities Act of 1990.
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Sec. 133. Client assistance program.
Sec. 134. Innovation and expansion grants.
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TITLE II—RESEARCH

Sec. 201. Declaration of purpose.
Sec. 202. Authorization of appropriations.
Sec. 203. National Institute on Disability and Rehabilitation Research.
Sec. 204. Interagency committee.
Sec. 205. Research.
Sec. 206. Rehabilitation Research Advisory Council.

TITLE III—TRAINING AND DEMONSTRATION PROJECTS

Sec. 301. Declaration of purpose; organization.
Sec. 302. Training.
Sec. 303. Community rehabilitation programs for individuals with disabilities.
Sec. 304. Loan guarantees.
Sec. 305. Comprehensive rehabilitation centers.
Sec. 306. General grant and contract requirements.
Sec. 307. Authorization of appropriations for special projects and supplementary services.
Sec. 308. Special demonstration programs.
Sec. 309. Migratory workers.
Sec. 310. Special recreational programs.

TITLE IV—NATIONAL COUNCIL ON DISABILITY

Sec. 401. Establishment of National Council on Disability.
Sec. 402. Duties of National Council.
Sec. 403. Compensation of National Council members.
Sec. 404. Staff of National Council.
Sec. 405. Administrative powers of National Council.
Sec. 406. Authorization of appropriations.

TITLE V—RIGHTS AND ADVOCACY

Sec. 501. Rights and advocacy.
Sec. 502. Effect on existing law.
Sec. 503. Employment of individuals with disabilities.
Sec. 504. References to the Architectural and Transportation Barriers Compliance Board.
Sec. 505. Employment under Federal contracts.
Sec. 506. Nondiscrimination under Federal grants and programs.
Sec. 507. Secretarial responsibilities.
Sec. 508. Interagency Disability Coordinating Council.
Sec. 509. Electronic and information technology accessibility guidelines.
Sec. 510. Protection and advocacy of individual rights.

TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Subtitle A—Community Service Employment Pilot Program for Individuals With Disabilities

Sec. 601. Pilot program.
Sec. 602. Treatment of personal assistance services costs.
Sec. 603. Definitions.
Sec. 604. Authorization of appropriations.

Subtitle B—Projects With Industry

Sec. 611. Projects With Industry.
Sec. 612. Business opportunities for individuals with disabilities.
Sec. 613. Authorization of appropriations.

Subtitle C—Supported Employment Services for Individuals With Severe Disabilities

Sec. 621. Supported employment.

TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

Sec. 701. Services and centers.
Sec. 702. Effective date.
Sec. 703. Independent living services for older individuals who are blind.

TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

Sec. 801. Special demonstrations and training projects.

TITLE IX—AMENDMENTS TO OTHER ACTS

Subtitle A—Helen Keller National Center

Sec. 901. Congressional findings.
Sec. 902. Continued operation of Center.
Sec. 903. Audit, monitoring, and evaluation.
Sec. 904. Authorization of appropriations.
Sec. 905. Definitions.
Sec. 906. Construction of Act, effect on agreements.
Sec. 907. Establishment of a program.
Sec. 908. Technical and conforming amendments.

Subtitle B—Other Programs

Sec. 911. Committee for Purchase From People Who Are Blind or Severely Disabled.
Sec. 912. Individuals With Disabilities Education Act.
Sec. 913. Technology-Related Assistance for Individuals With Disabilities Act of 1988.
Sec. 914. President's Committee on Employment of People With Disabilities.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

TITLE I—ADMINISTRATION AND VOCATIONAL REHABILITATION SERVICES

Subtitle A—Administration

SEC. 101. FINDINGS AND PURPOSE.

Section 2 (29 U.S.C. 701) is amended to read as follows:

"FINDINGS; PURPOSE; POLICY

"SEC. 2. (a) FINDINGS.—Congress finds that—

"(1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

"(2) individuals with disabilities constitute one of the most disadvantaged groups in society;

"(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) contribute to society;

"(E) pursue meaningful careers; and

"(F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;

"(4) increased employment of individuals with disabilities can be achieved through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

"(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and public services; and

"(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

"(A) make informed choices and decisions; and

"(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.

"(b) PURPOSE.—The purposes of this Act are—

"(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through—

"(A) comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

"(B) independent living centers and services;

"(C) research;

"(D) training;

"(E) demonstration projects; and

"(F) the guarantee of equal opportunity; and

"(2) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with severe disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

"(3) inclusion, integration, and full participation of the individuals;

"(4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systemic advocacy and community involvement.".

SEC. 102. DEFINITIONS.

(a) DESIGNATED STATE AGENCY.—Section 7(3) (29 U.S.C. 706(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(2) by striking "(3)" and inserting the following:

"(3)(A) The term 'designated State agency' means an agency designated under section 101(a)(1)(A).

"(B)".

(b) ESTABLISHMENT OF A COMMUNITY REHABILITATION PROGRAM.—Section 7(4) (29 U.S.C. 706(4)) is amended—

(1) by striking "rehabilitation facility" each place the term appears and inserting "community rehabilitation program";

(2) by striking "means" and inserting "includes"; and

(3) by striking "such facilities)" and inserting "facilities for community rehabilitation programs)".

(c) EMPLOYMENT OUTCOME.—Section 7(6) (29 U.S.C. 706(6)) is amended to read as follows:

"(6) The term 'employment outcome' means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) or satisfying any other vocational outcome the Secretary may determine, consistent with this Act.".

(d) DRUG.—Section 7 (29 U.S.C. 706) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4) and (6) as paragraphs (6) and (5), respectively;

(3) by inserting paragraph (6) (as so redesignated by paragraph (2) of this subsection) before paragraph (7);

(4) by redesignating paragraph (22) as paragraph (4); and

(5) by inserting paragraph (4) (as so redesignated by paragraph (4) of this subsection) after paragraph (3).

(e) FEDERAL SHARE.—Section 7(7) (29 U.S.C. 706(7)) is amended—

(1) in subparagraph (A), by striking "80 percent" and inserting "78.7 percent";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(4) in subparagraph (B) (as redesignated by paragraph (3) of this subsection), by striking "section 301(b)(3)" each place the term appears and inserting "section 111(a)(3)".

(f) INDIVIDUAL WITH DISABILITIES.—Section 7(8) (29 U.S.C. 706(8)) is amended—

(1) in subparagraph (A)—

(A) by striking "handicaps" and inserting "a disability";

(B) in clause (i)—

(i) by striking "disability" and inserting "impairment"; and

(ii) by striking "handicap" and inserting "impediment"; and

(C) in clause (ii)—

(i) by striking "reasonably be expected to";

(ii) by striking "employability" and inserting "an employment outcome"; and

(iii) by striking "titles I and III" and inserting "titles I, II, III, VI, and VIII";

(2) in subparagraph (B)—

(A) by striking "(C) and (D)" and inserting "(C), (D), (E), and (F)";

(B) by striking "handicaps" and inserting "a disability"; and

(C) by striking "titles IV and V" and inserting "sections 2, 14, and 15, and titles IV and V";

(3) in subparagraph (C)—

(A) in clause (i), by striking "handicaps" and inserting "a disability";

(B) in clause (ii), by striking "handicaps" and inserting "a disability";

(C) in clause (iv)—

(i) by striking "handicapped student" and inserting "student who is an individual with a disability and"; and

(ii) by striking "nonhandicapped students" and inserting "students who are not individuals with disabilities"; and

(D) in clause (v) by striking "handicaps" and inserting "a disability"; and

(4) by adding at the end the following:

"(E) For the purposes of sections 501, 503 and 504—

"(i) for purposes of the application of subparagraph (B) to such sections, the term 'impairment' does not include homosexuality or bisexuality; and

"(ii) therefore the term 'individual with a disability' does not include an individual on the basis of homosexuality or bisexuality.

"(F) For the purposes of sections 501, 503, and 504, the term 'individual with a disability' does not include an individual on the basis of—

"(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

"(ii) compulsive gambling, kleptomania, or pyromania; or

"(iii) psychoactive substance use disorders resulting from current illegal use of drugs.".

(g) NONPROFIT.—Section 7(10) (29 U.S.C. 706(10)) is amended by striking "with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by" and inserting "with respect to a community rehabilitation program, means a community rehabilitation program carried out by".

(h) PERSONAL ASSISTANCE SERVICES.—Section 7 (29 U.S.C. 706) is amended—

(1) by striking paragraph (13);

(2) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively; and

(3) by inserting after paragraph (10) the following:

"(11) The term 'personal assistance services' means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.".

(i) REHABILITATION TECHNOLOGY.—Section 7(13) (29 U.S.C. 706(13)) (as so redesignated by subsection (h)(2)) is amended—

(1) by striking "rehabilitation engineering" and inserting "rehabilitation technology"; and

(2) by adding at the end the following: "The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.".

(j) INDIVIDUAL WITH A SEVERE DISABILITY.—Section 7(15) (29 U.S.C. 706(15)) is amended—

(1) in subparagraph (A)—

(A) by striking "subparagraph (B)" and inserting "subparagraph (B) or (C)";

(B) in clause (i)—

(i) by striking "disability" and inserting "impairment"; and

(ii) by striking "employability" and inserting "an employment outcome"; and

(C) in clause (iii), by striking "evaluation of rehabilitation potential" and inserting "assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (C) of paragraph (22)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) For purposes of title VII, the term 'individual with a severe disability' means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.

"(C) For purposes of section 13 and title II, the term 'individual with a severe disability' includes an individual described in subparagraph (A) or (B).".

(k) STATE.—Section 7(16) (29 U.S.C. 706(16)) is amended to read as follows:

"(16) The term 'State' includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).".

(l) SUPPORTED EMPLOYMENT.—Section 7(18) (29 U.S.C. 706(18)) is amended to read as follows:

"(18)(A) The term 'supported employment' means competitive work in integrated work settings for individuals with the most severe disabilities—

"(i)(I) for whom competitive employment has not traditionally occurred; or

"(II) for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

"(ii) who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work.

"(B) Such term includes transitional employment for persons who are individuals with the most severe disabilities due to mental illness.".

(m) PUBLIC OR NONPROFIT.—Section 7(19) (29 U.S.C. 706(19)) is amended to read as follows:

"(19) The term 'public or nonprofit', with respect to an agency or organization, includes an Indian tribe.".

(n) ADDITIONAL DEFINITIONS.—Section 7 (29 U.S.C. 706) (as amended by subsection (d)(4)) is amended by adding at the end the following new paragraphs:

"(22) The term 'assessment for determining eligibility and vocational rehabilitation needs' means, as appropriate in each case—

"(A)(i) a review of existing data—

"(I) to determine whether an individual is eligible for vocational rehabilitation services; and

"(II) to assign the priority described in section 101(a)(5)(A) in the States that use an order of selection pursuant to section 101(a)(5)(A); and

"(ii) to the extent additional data is necessary to make such determination and assignment, a preliminary assessment of such data (including the provision of goods and services during such assessment);

"(B) to the extent additional data is necessary, a comprehensive assessment (including the administration of the assessment) of the unique strengths, resources, priorities, interests, and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services to be included in the individualized written rehabilitation program of the individual, which comprehensive assessment—

"(i) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program of the individual;

"(ii) uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

"(I) existing information; and

"(II) such information as can be provided by the individual and, where appropriate, by the family of the individual;

"(iii) may include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual; and

"(iv) may include an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

"(C)(i) referral;

"(ii) where appropriate, the provision of rehabilitation technology services to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment; and

"(iii)(I) the provision of vocational rehabilitation services to an individual for a total period not in excess of 18 months for the limited pur-

pose of making determinations regarding whether an individual is eligible for vocational rehabilitation services and regarding the nature and scope of vocational rehabilitation services needed for such individual; and

"(II) an assessment at least once in every 90-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (I) may be made.

"(23) The term 'assistive technology device' has the meaning given such term in section 3(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(1)), except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (8)(A).

"(24) The term 'assistive technology service' has the meaning given such term in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)), except that the reference in such section—

"(A) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (8)(A); and

"(B) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.

"(25) The term 'community rehabilitation program' means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement—

"(A) medical, psychiatric, psychological, social, and vocational services that are provided under one management;

"(B) testing, fitting, or training in the use of prosthetic and orthotic devices;

"(C) recreational therapy;

"(D) physical and occupational therapy;

"(E) speech, language, and hearing therapy;

"(F) psychiatric, psychological, and social services, including positive behavior management;

"(G) assessment for determining eligibility and vocational rehabilitation needs;

"(H) rehabilitation technology;

"(I) job development, placement, and retention services;

"(J) evaluation or control of specific disabilities;

"(K) orientation and mobility services for individuals who are blind;

"(L) extended employment;

"(M) psychosocial rehabilitation services;

"(N) supported employment services and extended services;

"(O) services to family members when necessary to the vocational rehabilitation of the individual;

"(P) personal assistance services; or

"(Q) services similar to the services described in one of subparagraphs (A) through (P).

"(26) The term 'disability' means—

"(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

"(B) for purposes of sections 2, 14, and 15, and titles II, III, IV, V, and VIII, a physical or mental impairment that substantially limits one or more major life activities.

"(27) The term 'extended services' means ongoing support services and other appropriate services, needed to support and maintain an individual with the most severe disability in supported employment, that—

"(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining integrated, competitive employment;

"(B) are based on a determination of the needs of an eligible individual, as specified in an individualized written rehabilitation program; and

"(C) are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by the designated State unit.

"(28)(A) The term 'impartial hearing officer' means an individual—

"(i) who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

"(ii) who is not a member of the State Rehabilitation Advisory Council described in section 105;

"(iii) who has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or client;

"(iv) who has knowledge of the delivery of vocational rehabilitation services, the State plan under section 101, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

"(v) who has no personal or financial interest that would be in conflict with the objectivity of the individual.

"(B) An individual shall not be considered to be an employee of a public agency for purposes of subparagraph (A)(i) solely because the individual is paid by the agency to serve as a hearing officer.

"(29) The term 'independent living core services' means—

"(A) information and referral services;

"(B) independent living skills training;

"(C) peer counseling (including cross-disability peer counseling); and

"(D) individual and systems advocacy.

"(30) The term 'independent living services' includes—

"(A) independent living core services; and

"(B)(i) counseling services, including psychological, psychotherapeutic, and related services;

"(ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);

"(iii) rehabilitation technology;

"(iv) mobility training;

"(v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

"(vi) personal assistance services, including attendant care and the training of personnel providing such services;

"(vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

"(viii) consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;

"(ix) education and training necessary for living in a community and participating in community activities;

"(x) supported living;

"(xi) transportation, including referral and assistance for such transportation;

"(xii) physical rehabilitation;

"(xiii) therapeutic treatment;

"(xiv) provision of needed prostheses and other appliances and devices;

"(xv) individual and group social and recreational services;

"(xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

"(xvii) services for children;

"(xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance, of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;

"(xix) appropriate preventive services to decrease the need of individuals assisted under this Act for similar services in the future;

"(xx) community awareness programs to enhance the understanding and integration into society of individuals with disabilities; and

"(xxi) such other services as may be necessary and not inconsistent with the provisions of this Act.

"(31)(A) The term 'individuals with disabilities' means more than one individual with a disability.

"(B) The term 'individuals with severe disabilities' means more than one individual with a severe disability.

"(C) The term 'individuals with the most severe disabilities' means more than one individual with the most severe disability.

"(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 'ongoing support services' means services—

"(A) provided to individuals with the most severe disabilities;

"(B) provided, at a minimum, twice monthly—

"(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

"(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

"(C) consisting of—

"(i) a particularized assessment supplementary to the comprehensive assessment described in paragraph (22)(B);

"(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

"(iii) job development and placement;

"(iv) social skills training;

"(v) regular observation or supervision of the individual;

"(vi) followup services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates, or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

"(vii) facilitation of natural supports at the worksite;

"(viii) any other service identified in section 103; or

"(ix) a service similar to another service described in this subparagraph.

"(34) The term 'supported employment services' means ongoing support services and other appropriate services needed to support and maintain an individual with the most severe disability in supported employment, that—

"(A) are provided singly or in combination and are organized and made available in such a way to assist an eligible individual in entering or maintaining integrated, competitive employment;

"(B) are based on a determination of the needs of an eligible individual, as specified in an individualized written rehabilitation program; and

"(C) are provided by the designated State unit for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized written rehabilitation program.

"(35) The term 'transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including post secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(o) TECHNICAL AMENDMENT.—Section 101 (29 U.S.C. 721) is amended—

(1) by striking "clause" each place the term appears and inserting "paragraph";

(2) by striking "subclause" each place the term appears and inserting "subparagraph"; and

(3) by striking "clauses" and inserting "paragraphs".

(p) CONFORMING AMENDMENTS; INDIVIDUALS WITH DISABILITIES.—

(1) The title of the Act (29 U.S.C. 701 et seq.) is amended—

(A) by striking "those with the most severe handicaps" and inserting "individuals with the most severe disabilities"; and

(B) by striking "individuals with handicaps" each place such term appears and inserting "individuals with disabilities".

(2) The table of contents relating to the Act is amended—

(A) by striking the item relating to section 501 and inserting the following:

"Sec. 501. Employment of individuals with disabilities.";

(B) by striking the item relating to the title heading for title VI and inserting the following:

"TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES";

and

(C) by striking the item relating to the part heading for part A of title VI and inserting the following:

"PART A—COMMUNITY SERVICE EMPLOYMENT PROGRAMS FOR INDIVIDUALS WITH DISABILITIES".

(3) Section 7 (29 U.S.C. 706) is amended—

(A) in paragraph (13) (as so redesignated by subsection (h)(2)) by striking "handicaps" and inserting "disabilities";

(B) in paragraph (15)(A)—

(i) by striking "severe handicaps" and inserting "a severe disability"; and

(ii) by striking "handicaps (as defined in paragraph (8))" and inserting "a disability"; and

(C) in paragraph (17) by striking "handicaps" and inserting "disabilities".

(4) The last sentence of section 13 (29 U.S.C. 712) is amended by striking "handicaps" and inserting "disabilities".

(5) Section 14(a) (29 U.S.C. 713(a)) is amended by striking "handicaps" and inserting "disabilities".

(6) Section 15 (29 U.S.C. 714) is amended—

(A) in subsections (a) and (b) by striking "handicaps" each place such term appears and inserting "disabilities";

(B) in subsection (a)(2) by striking "handicapping conditions" and inserting "disabilities"; and

(C) in subsection (c) by striking "the Handicapped" and inserting "Individuals with Disabilities".

(7) Section 101(a) (29 U.S.C. 721(a)) is amended—

(A) in paragraph (1)—

(i) by striking "handicaps" each place such term appears and inserting "disabilities";

(ii) in subparagraph (A)(i)—

(I) by striking "the blind" each place such term appears and inserting "individuals who are blind"; and

(II) by striking "the adult blind" and inserting "adults who are blind"; and

(iii) in subparagraph (B), by striking "the blind" and inserting "individuals who are blind";

(B) in paragraph (2)(B) by striking "the blind" and inserting "individuals who are blind";

(C) in paragraphs (2), (4), (5), (6), (10), (11), (12), (21), and in the matter preceding paragraph (16), by striking "handicaps" each place such term appears and inserting "disabilities";

(D) in paragraph (9) by striking "handicaps" and inserting "a disability";

(E) in paragraph (13)(B) by striking "with handicaps whose handicapping conditions arises from a disability sustained" and inserting "with a disability whose disability was sustained";

(F) in paragraph (20)—

(i) by striking "American Indians with handicaps" and inserting "American Indians who are individuals with disabilities"; and

(ii) by striking "individuals with handicaps" and inserting "individuals with disabilities"; and

(G) in paragraph (22)—

(i) by striking "the deaf" and inserting "individuals who are deaf"; and

(ii) by striking "handicaps" and inserting "disabilities".

(8) Subsections (c) and (d) of section 102 (29 U.S.C. 722 (c) and (d)) are amended by striking "handicaps" and inserting "a disability".

(9) Section 103 (29 U.S.C. 723) is amended—

(A) in the matter preceding paragraph (1) in subsection (a), and in subsection (b)(2), by striking "handicaps" and inserting "a disability";

(B) except as provided in subparagraph (A), by striking "handicaps" each place such term appears and inserting "disabilities";

(C) in subsection (a)—

(i) in subparagraph (E) of paragraph (4), by striking "suffering from" and inserting "with";

(ii) in paragraph (6), by striking "deaf individuals" and inserting "individuals who are deaf"; and

(iii) in paragraph (8), by striking "the blind" and inserting "individuals who are blind"; and

(D) in subsection (b)(4)—

(i) by striking "the blind" and inserting "individuals who are blind"; and

(ii) by striking "the deaf" and inserting "individuals who are deaf".

(10) Section 112 (29 U.S.C. 732) is amended by striking "handicaps" each place such term appears and inserting "disabilities".

(11) Section 130 (29 U.S.C. 750) is amended—

(A) in subsections (a) and (b)(1)(B) by striking "American Indians with handicaps" and inserting "American Indians who are individuals with disabilities"; and

(B) in subsection (b)(1)(B) by striking "individuals with handicaps" and inserting "individuals with disabilities".

(12) Section 202 (29 U.S.C. 761a) is amended—

(A) by striking "handicaps" each place such term appears and inserting "disabilities"; and

(B) in subsection (c)(1) by striking "the Handicapped" and inserting "Disability".

(13) Subsections (b) and (c) of section 203 (29 U.S.C. 761b (b) and (c)) are amended by striking "handicaps" each place such term appears and inserting "disabilities".

(14) Section 204 (29 U.S.C. 762) is amended—

(A) in subsection (b)—

(i) in paragraph (4), by striking "individuals suffering from" and inserting "individuals with";

(ii) in paragraph (8)—

(I) by striking "children with handicaps" and inserting "children who are individuals with disabilities"; and

(II) by striking "American Indians with handicaps" and inserting "American Indians who are individuals with disabilities";

(iii) in paragraph (10), by striking "deaf individuals" and inserting "individuals who are deaf"; and

(iv) in paragraph (11)—

(I) by striking "children with handicaps" and inserting "children who are individuals with disabilities"; and

(II) by striking "children with severe handicaps" each place such term appears and inserting "children who are individuals with severe disabilities"; and

(B) except as provided in subparagraph (A), by striking "handicaps" each place such term appears and inserting "disabilities".

(15) Section 300 (29 U.S.C. 770) is amended—

(A) in paragraph (2) by striking "handicaps" and inserting "disabilities"; and

(B) in paragraph (3)—

(i) by striking "individuals with handicaps" each place such term appears and inserting "individuals with disabilities";

(ii) by striking "older blind individuals, and deaf individuals" and inserting "older individuals who are blind, and individuals who are deaf";

(iii) by striking "workers with handicaps" and inserting "workers who are individuals with disabilities"; and

(iv) by striking "farmworkers with handicaps" and inserting "farmworkers who are individuals with disabilities".

(16) Section 302 (29 U.S.C. 772) is amended—

(A) in the section heading, by striking "HANDICAPS" and inserting "DISABILITIES"; and

(B) in subsections (b) and (c) by striking "handicaps" each place such term appears and inserting "disabilities".

(17) Section 303(a) (29 U.S.C. 773(a)) is amended by striking "handicaps" and inserting "disabilities".

(18) Section 304 (29 U.S.C. 774) is amended—

(A) by striking "handicaps" each place such term appears and inserting "disabilities"; and

(B) in subsection (b)(2)(B), by striking "handicap" and inserting "disability".

(19) Section 305(a) (29 U.S.C. 775(a)) is amended—

(A) in paragraph (1), by striking "handicaps" each place such term appears and inserting "disabilities"; and

(B) in paragraph (2) by striking "the deaf" and inserting "individuals who are deaf".

(20) Subsections (f) and (h) of section 306 (29 U.S.C. 776 (f) and (h)) are amended by striking "handicaps" each place such term appears and inserting "disabilities".

(21) Section 311 (29 U.S.C. 777a) is amended—

(A) in subsection (a), by striking "handicaps" each place such term appears and inserting "disabilities";

(B) in subsection (c)(1), by striking "with handicaps" and inserting "who are individuals with disabilities";

(C) in subsection (d)(3), by striking "handicaps" and inserting "disabilities"; and

(D) in subsection (e)—

(i) in paragraph (1), by striking "with severe handicaps" and inserting "who are individuals with severe disabilities"; and

(ii) in paragraph (4)(B), by striking "youths with severe handicaps and youths with mild handicaps" and inserting "youths who are individuals with severe disabilities and other youths with disabilities".

(22) Section 312 (29 U.S.C. 777b) is amended by striking "handicaps" each place such term appears and inserting "disabilities".

(23) Section 314 (29 U.S.C. 777d) is amended—

(A) in the section heading, by striking "THE BLIND" and inserting "INDIVIDUALS WHO ARE BLIND";

(B) in subsection (a)(1), by striking "blind persons" and inserting "individuals who are blind and";

(C) in subsection (a)(2)—

(i) by striking "available to blind persons" and inserting "available to individuals who are blind";

(ii) by striking "needs of blind persons" and inserting "needs of such individuals"; and

(iii) by striking "to assist blind persons" and inserting "to assist such individuals"; and

(D) in paragraphs (1), (2), (5), and (6) of subsection (c), by striking "blind persons" and inserting "individuals who are blind".

(24) Section 315 (29 U.S.C. 777e) is amended—

(A) in the section heading, by striking "THE DEAF" and inserting "INDIVIDUALS WHO ARE DEAF";

(B) in subsection (a), by striking "deaf individuals" each place such term appears and inserting "individuals who are deaf";

(C) in subsection (b)(1), by striking "to the maximum number of deaf individuals feasible" and inserting "to the maximum feasible number of individuals who are deaf";

(D) in subsection (c), by striking "deaf individuals" each place such term appears and inserting "individuals who are deaf"; and

(E) in subsection (d), by striking "deaf individuals" and inserting "individuals who are deaf and".

(25) Section 316(a)(1) (29 U.S.C. 777f(a)(1)) is amended—

(A) by striking "individuals with handicaps" each place such term appears and inserting "individuals with disabilities"; and

(B) by striking "peers without handicaps" and inserting "peers who are not individuals with disabilities".

(26) Section 400(a) (29 U.S.C. 780(a)) is amended by striking "handicaps" each place such term appears and inserting "disabilities".

(27) Section 401(a) (29 U.S.C. 781(a)) is amended—

(A) in paragraph (4), by striking "individuals with handicaps and" each place such term appears; and

(B) in paragraphs (5), (6), and (7), by striking "handicaps" each place such term appears and inserting "disabilities".

(28) Section 403(a)(1) (29 U.S.C. 783(a)(1)) is amended by striking "handicaps" and inserting "disabilities".

(29) Section 501 (29 U.S.C. 791) is amended—

(A) in the section heading, by striking "HANDICAPS" and inserting "DISABILITIES";

(B) in subsection (a), by striking "Handicapped Employees" and inserting "Employees who are Individuals with Disabilities";

(C) in subsections (a), (b), (c), (d), and (f), by striking "individuals with handicaps" each place such term appears and inserting "individuals with disabilities"; and

(D) in subsection (b), by striking "employees with handicaps" and inserting "employees who are individuals with disabilities".

(30) Subsections (a), (c), (g), and (h) of section 502 (29 U.S.C. 792 (a), (c), (g), and (h)) are amended by striking "handicaps" each place such term appears and inserting "disabilities".

(31) Section 503 (29 U.S.C. 793) is amended—

(A) in subsection (a), by striking "handicaps as defined in section 7(8)" and inserting "disabilities"; and

(B) in subsection (b)—

(i) by striking "individual with handicaps" and inserting "individual with a disability"; and

(ii) by striking "individuals with handicaps" each place such term appears and inserting "individuals with disabilities".

(32) Section 504 (29 U.S.C. 794) is amended in subsection (a)—

(A) by striking "handicaps" and inserting "a disability"; and

(B) by striking "handicap" and inserting "disability".

(33) Title VI is amended in the title heading by striking "HANDICAPS" and inserting "DISABILITIES".

(34) Section 601 (29 U.S.C. 701 note) is amended by striking "Handicaps" and inserting "Disabilities".

(35) Part A of title VI is amended in the part heading, by striking "HANDICAPS" and inserting "DISABILITIES".

(36) Subsections (a) and (b) of section 611 (29 U.S.C. 795 (a) and (b)) are amended by striking "handicaps" each place such term appears and inserting "disabilities".

(37) Section 615(a)(1) (29 U.S.C. 795d(a)(1)) is amended by striking "handicaps" and inserting "disabilities".

(38) Section 616(2) (29 U.S.C. 795e(2)) is amended, by striking "handicaps" and inserting "disabilities".

(39) Section 622 (29 U.S.C. 795h) is amended—

(A) in the section heading, by striking "HANDICAPS" and inserting "DISABILITIES"; and

(B) by striking "handicaps" and inserting "disabilities".

SEC. 103. ALLOTMENT PERCENTAGE.

Section 8(a)(1) (29 U.S.C. 707(a)(1)) is amended—

(1) by striking "The" and inserting "For purposes of section 110, the"; and

(2) by striking "and the Trust Territory of the Pacific Islands" and inserting "and the Republic of Palau (until the Compact of Free Association with Palau takes effect)".

SEC. 104. NONDUPLICATION.

The second sentence of section 10 (29 U.S.C. 709) is amended by striking "rehabilitation facilities" and inserting "community rehabilitation programs".

SEC. 105. ADMINISTRATION OF THE ACT.

(a) TRAINING.—Section 12(a)(2) (29 U.S.C. 711(a)(2)) is amended by inserting before the semicolon the following: ", including training for the personnel of community rehabilitation programs, centers for independent living, and other providers of services (including job coaches)".

(b) ISSUANCE OF REGULATIONS.—Section 12 (29 U.S.C. 711) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

"(d) The Secretary shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 101(a)(5)(A) if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

"(e)(1) Not later than 120 days after the date of the enactment of the Rehabilitation Act Amendments of 1992, the Secretary shall receive public comment and promulgate regulations establishing criteria pertaining to the selection of vocational rehabilitation services, and of vocational rehabilitation services providers, by an individual with a disability, consistent with the individualized written rehabilitation program of the individual under section 102.

"(2) Regulations under paragraph (1) shall include the following:

"(A) Procedures that States must adopt to ensure that the services provided under this Act are of sufficient scope and quality, that the costs of such services and the length of time such services are provided are reasonable, and that such services are available in a timely manner.

"(B) Procedures that prevent fraud, waste, and abuse.

"(C) Procedures to assure that services are provided in the most integrated settings.

"(D) Procedures to assure that rehabilitation providers comply with State guarantees, such as—

"(i) affirmative action procedures with respect to the employment of individuals with disabilities;

"(ii) standards governing community rehabilitation programs and qualified personnel utilized for the provision of vocational rehabilitation services; and

"(iii) minimum standards to ensure the availability of personnel, to the maximum extent feasible, trained to communicate in the native language or mode of communication of the client.

"(E) Standards to be adhered to by providers to help ensure the integrity of services.

"(F) Guidelines for assisting individuals with disabilities and for providing information about available vocational rehabilitation service providers, especially for assisting—

"(i) individuals with cognitive and other disabilities who, due to the nature of the disability, require support and assistance in fully implementing the selection and procurement of services; and

"(ii) the parents, family members, guardians, advocates, or authorized representatives of the individuals.".

SEC. 106. REPORTS.

The fourth sentence of section 13 (29 U.S.C. 712) is amended by inserting "including types of rehabilitation technology services provided," after "types of services provided,".

SEC. 107. EVALUATION.

Section 14 (29 U.S.C. 713) is amended—

(1)(A) by striking "Commissioner" the first place such term appears and inserting "Secretary, in consultation with the Commissioner,"; and

(B) except as provided in subparagraph (A), by striking "Commissioner" each place such term appears and inserting "Secretary";

(2) in the third sentence of subsection (a)—

(A) by striking "program and" and inserting "program,";

(B) by striking "and the characteristics" and inserting ", the characteristics"; and

(C) by inserting before the period ", and the employment outcomes to be attained";

(3) in subsection (b) by striking "shall," and all that follows through "obtain" and inserting "shall obtain"; and

(4)(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following subsection:

"(f)(1) To assess the linkages between vocational rehabilitation services and economic and non-economic outcomes, the Secretary shall continue to conduct a longitudinal study of a national sample of applicants for the services.

"(2) The study shall address factors related to attrition and completion of the program through

which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

"(3) The study shall be planned to cover the period beginning on the application of the individuals for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.".

SEC. 108. REVIEW OF APPLICATIONS.

(a) TRANSFERS.—Section 16(b) (29 U.S.C. 715(b)) is amended by striking "one-half of".

(b) COMPENSATION.—Section 18 (29 U.S.C. 717) is amended by striking "the rate provided for grade GS-18 of the General Schedule under section 5332" and inserting "the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

SEC. 109. CARRYOVER.

(a) IN GENERAL.—The Act is amended by inserting after section 18 (29 U.S.C. 717) the following new section:

"SEC. 19. CARRYOVER.

"(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out any grant program under part B or C of title I, section 509, part C of title VI, or part B or C of chapter 1 of title VII, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

"(b) NON-FEDERAL SHARE.—Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 18 the following:

"Sec. 19. Carryover.".

SEC. 110. CLIENT ASSISTANCE INFORMATION.

(a) IN GENERAL.—The Act is amended by inserting after section 19 (as added by section 109(a)) the following new section:

"SEC. 20. CLIENT ASSISTANCE INFORMATION.

"All programs, including community rehabilitation programs, and projects, that provide services to individuals with disabilities under this Act shall advise such individuals, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of the availability and purposes of the client assistance program under section 112, including information on means of seeking assistance under such program.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 19 (as added by section 109(b)) the following:

"Sec. 20. Client assistance information.".

SEC. 111. TRADITIONALLY UNDERSERVED POPULATIONS.

(a) IN GENERAL.—The Act is amended by inserting after section 20 (as added by section 110(a)) the following section:

"SEC. 21. TRADITIONALLY UNDERSERVED POPULATIONS.

"(a) FINDINGS.—With respect to the programs authorized in titles II through VIII, the Congress finds as follows:

"(1) RACIAL PROFILE.—The racial profile of America is rapidly changing. While the rate of increase for white Americans is 3.2 percent, the rate of increase for racial and ethnic minorities is much higher: 38.6 percent for Latinos, 14.6 percent for African-Americans, and 40.1 percent for Asian-Americans and other ethnic groups. By the year 2000, the Nation will have 260,000,000 people, one of every three of whom will be either African-American, Latino, or Asian-American.

"(2) RATE OF DISABILITY.—Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. The rate of work-related disability for American Indians is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be severely disabled.

"(3) INEQUITABLE TREATMENT.—Patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system is denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases is closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts.

"(4) RECRUITMENT.—Recruitment efforts within vocational rehabilitation at the level of preservice training, continuing education, and inservice training must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of vocational rehabilitation.

"(b) OUTREACH TO MINORITIES.—

"(1) POLICY.—The Commissioner shall develop a policy to mobilize the resources of the Nation to prepare minorities for careers in vocational rehabilitation, independent living, and related services.

"(2) FOCUS.—This policy shall focus on—

"(A) the recruitment of minorities into the field of vocational rehabilitation counseling and related disciplines; and

"(B) financially assisting Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority enrollment is at least 50 percent to prepare students for vocational rehabilitation and related service careers.

"(3) PLAN.—

"(A) DEVELOPMENT.—The Commissioner shall develop a plan to provide outreach services and other related activities (such as cooperative efforts) to the entities described in subparagraph (B) in order to enhance the capacity and increase the participation of such entities in competitions for grants, contracts, and cooperative agreements under titles I through VIII.

"(B) ENTITIES.—The entities referred to in subparagraph (A) are—

"(i) Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority student enrollment is at least 50 percent;

"(ii) nonprofit and for-profit agencies at least 51 percent owned or controlled by one or more minority individuals; and

"(iii) underrepresented populations.

"(C) FUNDING.—For the purpose of implementing the plan required in subparagraph (A), the Commissioner shall, for each of the fiscal years 1993 through 1997, expend 1 percent of the funds appropriated for the fiscal year involved for carrying out programs authorized in titles II through VIII of this Act, except programs authorized under title IV or V.

"(3) EFFORT.—The Commissioner shall exercise the utmost authority, resourcefulness, and diligence to meet the requirements of this section.

"(4) REPORT.—

"(A) IN GENERAL.—Not later than January 31 of each year, starting with fiscal year 1994, the Commissioner shall prepare and submit to Congress a final report on the progress toward meeting the goals of this section during the preceding fiscal year.

"(B) CONTENTS.—The report shall include—

"(i) a full explanation of any progress toward meeting the goals of this section; and

"(ii) a plan to meet the goals, if necessary.

"(5) DEMONSTRATION.—In awarding grants, contracts, or cooperative agreements under titles I, II, III, VI, VII, and VIII, and section 509, the Commissioner and the Director of the National Institute on Disability and Rehabilitation Research, where appropriate, shall require applicants to demonstrate how they will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 20 (as added by section 110(b)) the following item:

"Sec. 21. Traditionally underserved populations.".

Subtitle B—Vocational Rehabilitation Services

SEC. 121. POLICY; AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS; PURPOSE; POLICY.—Section 100 (29 U.S.C. 720) is amended—

(1) in the section heading, by striking "PURPOSE" and inserting "POLICY"; and

(2) by striking subsection (a) and inserting the following:

"(a)(1) Congress finds that—

"(A) work—

"(i) is a valued activity, both for individuals and society; and

"(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in America;

"(B) as a group, individuals with disabilities experience staggering levels of unemployment and poverty;

"(C) individuals with disabilities, including individuals with the most severe disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided;

"(D) reasons for the significant number of individuals with disabilities not working, or working at a level not commensurate with their abilities and capabilities, include—

"(i) discrimination;

"(ii) lack of accessible and available transportation;

"(iii) fear of losing health coverage under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing existing private health insurance; and

"(iv) lack of education, training, and supports to meet job qualification standards necessary to enter or retain or advance in employment;

"(E) enforcement of title V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities; and

"(F) the provision of vocational rehabilitation services can enable individuals with disabilities, including individuals with the most severe disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities.

"(2) The purpose of this title is to assist States in operating a comprehensive, coordinated, effective, efficient, and accountable program of vocational rehabilitation that is designed to assess, plan, develop, and provide vocational re-

habilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, so that such individuals may prepare for and engage in gainful employment.

"(3) It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

"(A) Individuals with disabilities, including individuals with the most severe disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

"(B) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

"(C) Individuals with disabilities must be active participants in their own rehabilitation programs, including making meaningful and informed choices about the selection of their vocational goals and objectives and the vocational rehabilitation services they receive.

"(D) Families and natural supports can play an important role in the success of a vocational rehabilitation program, if the individual with a disability requests, desires, or needs such supports.

"(E) Qualified vocational rehabilitation counselors, other qualified rehabilitation personnel, and other qualified personnel facilitate the accomplishment of the employment goals and objectives of an individual.

"(F) Individuals with disabilities and their advocates are full partners in the vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

"(G) Accountability measures must facilitate and not impede the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most severe disabilities.".

(b) REAUTHORIZATION.—Section 100 (29 U.S.C. 720) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) For the purpose of making grants to States under part B (other than grants under section 112) to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 1997, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this subsection for the immediately preceding fiscal year, plus the amount of the Consumer Price Index addition determined under subsection (c) for the immediately preceding fiscal year.

"(2) There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1993 through 1997.";

(2) in subparagraphs (A) and (B) of subsection (c)(2), by striking "authorized to be appropriated under subsection (b)(1) for the subsequent fiscal year is the amount authorized to be" each place the term appears and inserting "to be appropriated under subsection (b) for the subsequent fiscal year shall be at least the amount"; and

(3) in subsection (d)(1)(B)—

(A) by striking "1992" the first place the term appears and inserting "1997"; and

(B) by striking "or the amount authorized to be appropriated for such program for fiscal year 1992, whichever is higher,".

(c) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 100 and inserting the following:

"Sec. 100. Declaration of policy; authorization of appropriations.".

SEC. 122. STATE PLANS.

(a) PERIOD.—The first sentence of section 101(a) (29 U.S.C. 721(a)) is amended by striking "for a three-year period" and all that follows and inserting the following: "for a 3-year period, or shall submit the plan on such date, and at such regular intervals, as the Secretary may determine to be appropriate to coincide with the intervals at which the State submits State plans under other Federal laws, such as part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.). In order to be eligible to participate in programs under this title, a State, upon the request of the Commissioner, shall make such annual revisions in the plan as may be necessary.".

(b) STATE AGENCY.—Section 101(a)(1)(A) (29 U.S.C. 721(a)(1)(A)) is amended—

(1) by striking "and" at the end of clause (i); and

(2) by inserting before the semicolon at the end the following: ", and (iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa".

(c) PLANS; POLICIES; METHODS.—Section 101(a)(5) (29 U.S.C. 721(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking "existing rehabilitation facilities to the maximum extent feasible;" and inserting "community rehabilitation programs to the maximum extent feasible, an explanation of the methods by which the State will provide vocational rehabilitation services to all individuals with disabilities within the State who are eligible for such services,"; and

(B) in clause (ii), by inserting before "and shall be consistent" the following: "in accordance with criteria established by the State,";

(2) in subparagraph (B), by inserting before the semicolon the following: ", including the use of funds under part C of title VI to supplement funds under part B of this title to pay for the cost of services leading to supported employment"; and

(3) by striking subparagraph (C) and inserting the following:

"(C) describe—

"(i) how a broad range of rehabilitation technology services will be provided at each stage of the rehabilitation process;

"(ii) how a broad range of such rehabilitation technology services will be provided on a statewide basis; and

"(iii) the training that will be provided to vocational rehabilitation counselors, client assistance personnel, and other related services personnel;".

(d) PROGRAM COMPLIANCE.—Section 101(a)(6)(B) (29 U.S.C. 721(a)(6)(B)) is amended by inserting before the semicolon at the end the following: ", with section 504 of this Act, and with the Americans with Disabilities Act of 1990".

(e) PERSONNEL.—Section 101(a)(7) (29 U.S.C. 721(a)(7)) is amended to read as follows:

"(7)(A) include a description (consistent with the purposes of this Act) of a comprehensive system of personnel development, which shall include—

"(i) a description of the procedures and activities the State agency will undertake to ensure an adequate supply of qualified State rehabilitation professionals and paraprofessionals for the designated State unit, including the development and maintenance of a system for determining, on an annual basis—

"(I) the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients; and

"(II) the number and type of personnel needed by the State, and a projection of the numbers of such personnel that will be needed in 5 years, based on projections of the number of individuals to be served, the number of such personnel who are expected to retire or leave the field, and other relevant factors;

"(ii) where appropriate, a description of the manner in which activities will be undertaken through this section to coordinate the system of personnel development with personnel development under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(iii) a description of the development and maintenance of a system of determining, on an annual basis, information on the institutions of higher education within the State that are preparing rehabilitation professionals, including—

"(I) the numbers of students enrolled in such programs; and

"(II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year;

"(iv) a description of the development, updating, and implementation of a plan that—

"(I) will address the current and projected vocational rehabilitation services personnel training needs for the designated State unit; and

"(II) provides for the coordination and facilitation of efforts between the designated State unit and institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) and professional associations to recruit, prepare and retain qualified personnel, including personnel from minority backgrounds, and personnel who are individuals with disabilities; and

"(v) a description of the procedures and activities the State agency will undertake to ensure that all personnel employed by the designated State unit are appropriately and adequately trained and prepared, including—

"(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology; and

"(II) procedures for acquiring and disseminating to rehabilitation professionals and paraprofessionals within the designated State unit significant knowledge from research and other sources, including procedures for providing training regarding the amendments to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1992;

"(B) set forth policies and procedures relating to the establishment and maintenance of standards to ensure that personnel, including professionals and paraprofessionals, needed within the State agency to carry out this part are appropriately and adequately prepared and trained, including—

"(i) the establishment and maintenance of standards that are consistent with any national or State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing vocational rehabilitation services; and

"(ii) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel within the designated State unit that meet appropriate professional requirements in the State; and

"(C) contain provisions relating to the establishment and maintenance of minimum standards to ensure the availability of personnel within the designated State unit, to the maximum extent feasible, trained to communicate in the native language or mode of communication of the client;".

(f) AVAILABILITY OF COMPARABLE SERVICES AND BENEFITS.—Section 101(a)(8) (29 U.S.C. 721(a)(8)) is amended by striking "except that" and all that follows and inserting "except that such a determination shall not be required—

"(A) if the determination would delay the provision of such services to any individual at extreme medical risk; or

"(B) prior to the provision of such services if an immediate job placement would be lost due to a delay in the provision of such comparable benefits;".

(g) USE OF EXISTING INFORMATION.—Section 101(a)(9) (29 U.S.C. 721(a)(9)) is amended—

(1) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(2) by striking "(9) provide that" and inserting "(9) provide that—

"(A) to the maximum extent appropriate, and consistent with the requirements of this Act, existing information available from other programs and providers (particularly information used by education officials and the Social Security Administration) and information that can be provided by the individual with a disability or the family of the individual shall be used for purposes of determining eligibility for vocational rehabilitation services and for choosing rehabilitation goals, objectives, and services;";

(3) in subparagraphs (B), (C), and (D) (as so redesignated by paragraph (1) of this subsection), by indenting the subparagraphs to the same measure as subparagraph (A); and

(4) in subparagraphs (B) and (C) (as so redesignated), by striking the comma at the end and inserting a semicolon.

(h) REPORTS.—Section 101(a)(10) (29 U.S.C. 721(a)(10)) is amended—

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

(2) in subparagraph (A) (as so designated by paragraph (1) of this subsection), by adding "and" after the semicolon at the end; and

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

"(B) provide that reports under subparagraph (A) will include information on—

"(i) the number of such individuals who are evaluated and the number rehabilitated;

"(ii) the costs of administration, counseling, provision of direct services, development of community rehabilitation programs, and other functions carried out under this Act; and

"(iii) the utilization by such individuals of other programs pursuant to paragraph (11);".

(i) INTERAGENCY COOPERATION.—Section 101(a)(11) (29 U.S.C. 721(a)(11)) is amended—

(1) by striking "(11) provide for entering into cooperative arrangements" and inserting "(11)(A) provide for interagency cooperation";

(2) in subparagraph (A) (as so designated by paragraph (1) of this subsection) by striking ", and the Carl D. Perkins Vocational Education Act);" and inserting "(20 U.S.C. 1400 et seq., the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938, (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46 et seq.);"; and

(3) by adding at the end the following:

"(B) provide that cooperation under subparagraph (A) shall include, to the extent practicable, means for providing training to staff of the agencies described in subparagraph (A) as to the availability and benefits of, and eligibility standards for, vocational rehabilitation services, in order to enhance the opportunity of individuals receiving the services described in subparagraph (A) to obtain vocational rehabilitation services; and

"(C) in providing for interagency cooperation under subparagraph (A), provide for such cooperation by means including, if appropriate—

"(i) establishing interagency working groups; and

"(ii) entering into formal interagency cooperative agreements that—

"(I) identify policies, practices, and procedures that can be coordinated among the agencies (particularly definitions, standards for eligibility, the joint sharing and use of evaluations and assessments, and procedures for making referrals);

"(II) identify available resources and define the financial responsibility of each agency for paying for necessary services (consistent with State law) and procedures for resolving disputes between agencies; and

"(III) include all additional components necessary to ensure meaningful cooperation and coordination;".

(j) COMMUNITY REHABILITATION PROGRAMS.—Section 101(a)(12) (29 U.S.C. 721(a)(12)) is amended—

(1) in subparagraph (A), by striking "facilities" and inserting "programs"; and

(2) in subparagraph (B), by striking "rehabilitation facilities" and inserting "community rehabilitation programs".

(k) CONTINUING STATEWIDE STUDIES.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in the matter preceding paragraph (16) by striking "provide for continuing" and inserting "(15) provide for continuing"; and

(2) in paragraph (15) (as so designated by paragraph (1) of this subsection)—

(A) in subparagraph (A), by striking "conducting";

(B) in subparagraph (B)—

(i) by striking "capacity and condition of rehabilitation facilities, plans for improving such facilities," and inserting "capacity and effectiveness of community rehabilitation programs, plans for improving such programs,"; and

(ii) by striking "and" after the semicolon at the end;

(C) in subparagraph (C), by inserting "and" after the semicolon at the end; and

(D) by adding at the end the following subparagraph:

"(D) outreach procedures to identify and serve individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation system;".

(l) REVIEW AND EFFORTS.—Section 101(a)(16) (29 U.S.C. 721(a)(16)) is amended to read as follows:

"(16) provide for—

"(A)(i) at least annual review and reevaluation of the status of each individual with a disability placed in an extended employment setting in a community rehabilitation program (including a workshop) or other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)), to determine the interests, priorities, and needs of the individual for employment, or training for competitive employment, in an integrated setting in the labor market; and

"(ii) input into the review and reevaluation by the individual with a disability, or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual, if the individual requests, desires, or needs assistance;

"(B) maximum efforts, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable such an individual to benefit from training or to be placed in employment in an integrated setting; and

"(C) services designed to promote movement from extended employment to integrated employment, including supported employment, independent living, and community participation;".

(m) CONSTRUCTION.—Section 101(a)(17) (29 U.S.C. 721(a)(17)) is amended—

(1) in the matter preceding subparagraph (A), by striking "where such State plan includes provisions for the construction of rehabilitation facilities" and inserting "if, under special circumstances, the State plan includes provisions for the construction of facilities for community rehabilitation programs"; and

(2) in subparagraph (C), by striking "rehabilitation facilities" and inserting "facilities for community rehabilitation programs".

(n) VIEWS CONSIDERED.—Section 101(a)(18) (29 U.S.C. 721(a)(18)) is amended by striking "and providers of vocational rehabilitation services" and inserting "providers of vocational rehabilitation services, and the Director of the client assistance program under section 112".

(o) STRATEGIC PLAN.—Section 101(a)(19) (29 U.S.C. 721(a)(19)) is amended by inserting before the semicolon the following: ", and for developing and updating the strategic plan required under part C".

(p) PUBLIC COMMENT.—Section 101(a)(23) (29 U.S.C. 721(a)(23)) is amended—

(1) in subparagraph (A), by inserting after "comment on the State plan" the following: "before development of the plan by the State";

(2) by striking "and" before "(B)"; and

(3) by inserting before the semicolon the following: ", and (C) provide satisfactory assurances that the State agency will consult with the Director of the client assistance program under section 112 in the formulation of policies governing the provision of vocational rehabilitation services consistent with the State plan and other revisions".

(q) GOALS AND PUBLIC EDUCATION.—Section 101(a)(24) (29 U.S.C. 721(a)(24)) is amended to read as follows:

"(24) contain plans, policies, and procedures to be followed (including entering into a formal interagency cooperative agreement, in accordance with paragraph (11)(C)(ii), with education officials responsible for the provision of a free appropriate public education to students who are individuals with disabilities) that are designed to—

"(A) facilitate the development and accomplishment of—

"(i) long-term rehabilitation goals;

"(ii) intermediate rehabilitation objectives; and

"(iii) goals and objectives related to enabling a student to live independently before the student leaves a school setting,

to the extent the goals and objectives described in clauses (i) through (iii) are included in an individualized education program of the student, including the specification of plans for coordination with the educational agencies in the provision of transition services;

"(B) facilitate the transition from the provision of a free appropriate public education under the responsibility of an educational agency to the provision of vocational rehabilitation services under the responsibility of the designated State unit, including the specification of plans for coordination with educational agencies in the provision of transition services authorized under section 103(a)(14) to an individual, consistent with the individualized written rehabilitation program of the individual; and

"(C) provide that such plans, policies, and procedures will address—

"(i) provisions for determining State lead agencies and qualified personnel responsible for transition services;

"(ii) procedures for outreach to and identification of youth in need of such services; and

"(iii) a timeframe for evaluation and followup of youth who have received such services;".

(r) USE OF SUPPORTED EMPLOYMENT FUNDS.—Section 101(a)(25) (29 U.S.C. 721(a)(25)) is amended to read as follows:

"(25) provide assurances satisfactory to the Secretary that the State has an acceptable plan

for carrying out part C of title VI, including the use of funds under that part to supplement funds under part B of this title for the cost of services leading to supported employment;".

(s) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 101(a) (29 U.S.C. 721(a)) is amended by adding at the end the following new paragraphs:

"(26) describe the manner in which on-the-job or other related personal assistance services will be provided to assist individuals with disabilities while the individuals are receiving vocational rehabilitation services;

"(27) describe the manner in which cooperative agreements with private nonprofit vocational rehabilitation service providers will be established;

"(28) identify the needs and utilization of community rehabilitation programs under the Act commonly known as the Wagner-O'Day Act (41 U.S.C. 46 et seq.);

"(29) describe the manner in which individuals with disabilities will be given choice and increased control in determining their vocational rehabilitation goals and objectives;

"(30) describe the manner in which students who are individuals with disabilities and who are not in special education programs can access and receive vocational rehabilitation services, where appropriate;

"(31) describe the manner in which assistive technology devices and services will be provided, or worksite assessments will be made as part of the assessment for determining eligibility and vocational rehabilitation needs of an individual;

"(32) describe the manner in which the State will modify the policies and procedures of the State based on consumer satisfaction surveys conducted by the State Rehabilitation Advisory Council;

"(33) provide for coordination and working relationships with the Statewide Independent Living Council established under section 705 and independent living centers within the State;

"(34) provide satisfactory assurances to the Commissioner that the State—

"(A) has developed and implemented a strategic plan for expanding and improving vocational rehabilitation services for individuals with disabilities on a statewide basis in accordance with part C of this title; and

"(B) will use at least 1.5 percent of the allotment of the State under part B for the uses described in section 123;

"(35)(A) describe how the system for evaluating the performance of rehabilitation counselors, coordinators, and other personnel used in the State facilitates the accomplishment of the purpose and policy of this title, including the policy of serving, among others, individuals with the most severe disabilities; and

"(B) provide satisfactory assurances that the system in no way impedes such accomplishment; and

"(36) provide satisfactory assurances to the Commissioner that—

"(A)(i) the State has established a State Rehabilitation Advisory Council that meets the criteria set forth in section 105;

"(ii) the designated State agency and the designated State unit seek and seriously consider on a regular and ongoing basis advice from the Council regarding the development and implementation of the State plan and the strategic plan and amendments to the plans, and other policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services in the State;

"(iii) the designated State agency includes, in its State plan or an amendment to the plan, a summary of advice provided by the Council, including recommendations from the annual report of the Council, the survey of consumer satisfaction, and other reports prepared by the Council, and the response of the designated State agency to such advice and recommendations (including explanations with respect to advice and recommendations that were rejected); and

"(iv) the designated State unit transmits to the Council—

"(I) all plans, reports, and other information required under the Act to be submitted to the Commissioner;

"(II) all policies, practices, and procedures of general applicability provided to or used by rehabilitation personnel; and

"(III) copies of due process hearing decisions, which shall be transmitted in such a manner as to preserve the confidentiality of the participants in the hearings;

"(B) an independent commission—

"(i) is responsible under State law for overseeing the operation of the designated State agency;

"(ii) is consumer-controlled by persons who—

"(I) are individuals with physical or mental impairments that substantially limit major life activities; and

"(II) represent individuals with a broad range of disabilities;

"(iii) includes individuals representing family members, advocates, and authorized representatives of individuals with mental impairments; and

"(iv) undertakes the function set forth in section 105(c)(3); or

"(C) in the case of a State that, under section 101(a)(1)(A)(i), designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind and designates a separate State agency to administer the remainder of the State plan—

"(i) an independent commission is responsible under State law for overseeing both such agencies and meets the requirements of subparagraph (B)(ii); or

"(ii)(I) an independent commission is responsible under State law for overseeing the first agency described in this subparagraph and meets the requirements of subparagraph (B)(ii); and

"(II) an independent commission is responsible under State law for overseeing the second State agency described in this subparagraph and is required by such State law to be consumer-controlled by individuals who are blind and to represent individuals who are blind.".

(t) TECHNICAL AMENDMENT.—Section 101 (29 U.S.C. 721) is amended by striking subsections (c) and (d).

SEC. 123. DETERMINATIONS OF ELIGIBILITY AND INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.

(a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a)) is amended to read as follows:

"(a)(1) An individual is eligible for assistance under this title if the individual—

"(A) is an individual with a disability under section 7(8)(A); and

"(B) requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.

"(2) An individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be considered to have—

"(A) a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment under section 7(8)(A)(i); and

"(B) a severe physical or mental impairment which seriously limits one or more functional capacities in terms of an employment outcome under section 7(15)(A)(i).

"(3) Determinations made by officials of other agencies, particularly the education officials described in section 101(a)(24), regarding whether an individual satisfies one or more factors relating to whether an individual is an individual with a disability under section 7(8)(A) or an individual with a severe disability under section 7(15)(A), shall be used (to the extent appropriate and available and consistent with the requirements under this Act) for making such determinations under this Act.

"(4)(A) It shall be presumed that an individual can benefit in terms of an employment outcome from vocational rehabilitation services under section 7(8)(A)(ii), unless the designated State unit can demonstrate by clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

"(B) In making the demonstration required under subparagraph (A) with respect to cases in which the issue concerns the severity of the disability of an individual, the designated State unit shall first conduct an extended evaluation by providing the services described in subparagraph (C)(iii)(I), and conducting the assessment described in subparagraph (C)(iii)(II), of section 7(22).

"(5)(A) The designated State unit shall determine whether an individual is eligible for vocational rehabilitation services under this title within a reasonable period of time, not to exceed 60 days after the individual has submitted an application to receive the services unless—

"(i) the designated State unit notifies the individual that exceptional and unforeseen circumstances beyond the control of the agency preclude the agency from completing the determination within the prescribed time and the individual agrees that an extension of time is warranted; or

"(ii) such an extended evaluation is required.

"(B) The determination of eligibility shall be based on the review of existing data described in section 7(22)(A)(i), and, to the extent necessary, the preliminary assessment described in section 7(22)(A)(iii).

"(6) The designated State unit shall ensure that a determination of ineligibility made with respect to an individual prior to the initiation of an individualized written rehabilitation program, based on the review, and to the extent necessary, the preliminary assessment, shall include specification of—

"(A) the reasons for such a determination;

"(B) the rights and remedies available to the individual, including, if appropriate, recourse to the processes set forth in subsections (b)(2) and (d); and

"(C) the availability of services provided by the client assistance program under section 112 to the individual.".

(b) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102(b) (29 U.S.C. 722(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (B) and (C) of section 7(22) (if such assessment is necessary) and ensure that—

"(i) an individualized written rehabilitation program is jointly developed, agreed upon, and signed by—

"(I) such eligible individual (or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual); and

"(II) the vocational rehabilitation counselor or coordinator; and

"(ii) such program meets the requirements set forth in subparagraph (B).

"(B) Each individualized written rehabilitation program shall—

"(i) be designed to achieve the employment objective of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities, of the individual;

"(ii) include a statement of the long-term rehabilitation goals based on the assessment for determining eligibility and vocational rehabilitation needs described in section 7(22)(B), including an assessment of career interests, for the individual, which goals shall, to the maximum extent appropriate, include placement in integrated settings;

"(iii) include a statement of the intermediate rehabilitation objectives related to the attainment of such goals, determined through such assessment carried out in the most individualized and integrated setting (consistent with the informed choice of the individual);

"(iv)(I) include a statement of the specific vocational rehabilitation services to be provided, and the projected dates for the initiation and the anticipated duration of each such service;

"(II) if appropriate, include a statement of the specific rehabilitation technology services to be provided to assist in the implementation of intermediate rehabilitation objectives and long-term rehabilitation goals for the individual; and

"(III) if appropriate, include a statement of the specific on-the-job and related personal assistance services to be provided to the individual, and, if appropriate and desired by the individual, the training in managing, supervising, and directing personal assistance services to be provided to the individual;

"(v) include an assessment of the expected need for postemployment services and, if appropriate, extended services;

"(vi) provide for—

"(I) a reassessment of the need for postemployment services and, if appropriate, extended services prior to the point of successful rehabilitation, in accordance with this subsection; and

"(II) if appropriate, the development of a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers;

"(vii) include objective criteria and an evaluation procedure and schedule for determining whether such goals and objectives are being achieved;

"(viii) include the terms and conditions under which goods and services described above will be provided to the individual in the most integrated settings;

"(ix) identify the entity or entities that will provide the vocational rehabilitation services and the process used to provide or procure such services;

"(x) include a statement by the individual, in the words of the individual (or, if appropriate, in the words of a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual), describing how the individual was informed about and involved in choosing among alternative goals, objectives, services, entities providing such services, and methods used to provide or procure such services;

"(xi) include, if necessary, an amendment specifying—

"(I) the reasons that an individual for whom a program has been prepared is no longer eligible for vocational rehabilitation services; and

"(II) the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsections (b)(2) and (d);

"(xii) set forth the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsections (b)(2) and (d);

"(xiii) provide a description of the availability of a client assistance program established pursuant to section 112;

"(xiv) to the maximum extent possible, be provided in the native language, or mode of communication, of the individual, or, in an appropriate case, of a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual; and

"(xv) include information identifying other related services and benefits provided pursuant to any Federal, State, or local program that will enhance the capacity of the individual to achieve the vocational objectives of the individual.

"(C) The designated State unit shall furnish a copy of the individualized written rehabilitation program and amendments to the program to the individual with a disability or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual."; and

(2) in paragraph (2), by inserting after the first sentence the following: "Any revisions or amendments to the program resulting from such review shall be incorporated into or affixed to such program. Such revisions or amendments shall not take effect until agreed to and signed by the individual with a disability, or, if appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual.".

(c) TECHNICAL AMENDMENTS.—Section 102(c) (29 U.S.C. 722(c)) is amended—

(1) by striking "Commissioner shall also insure" and inserting "Director of the designated State unit shall also ensure"; and

(2) in paragraph (2), by striking "evaluation of rehabilitation potential" and inserting "assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (B) and (C) of section 7(22)".

(d) SELECTION OF IMPARTIAL HEARING OFFICER.—Section 102(d) (29 U.S.C. 722(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end the following:

"(B) The impartial hearing officer shall be selected to hear a particular case—

"(i) on a random basis; or

"(ii) by agreement between—

"(I) the Director of the designated State unit and the individual with a disability; or

"(II) in an appropriate case, the Director and a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual.

"(C) The impartial hearing officer shall be selected from among a pool of qualified persons identified jointly by—

"(i) the designated State unit; and

"(ii)(I) the members of the State Rehabilitation Advisory Council established under section 105 who were appointed under one of subparagraphs (E) through (H) of section 105(b)(1);

"(II) the commission described in subparagraph (B) or (C)(i) of section 101(a)(36); or

"(III) the commissions described in section 101(a)(36)(C)(ii).";

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

"(C)(i) The Director may not overturn or modify a decision of an impartial hearing officer, or part of such a decision, that supports the position of the individual unless the Director concludes, based on clear and convincing evidence, that the decision of the independent hearing officer is clearly erroneous on the basis of being contrary to Federal or State law, including policy.

"(ii) A final decision shall be made in writing by the Director and shall include a full report of the findings and the grounds for such decision.

"(iii) Upon making a final decision, the Director shall provide a copy of such decision to such individual.";

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following:

"(5) Unless the individual with a disability so requests, or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual so requests, pending a final determination of such hearing or other final resolution under this subsection, the designated State unit shall not institute a suspension, reduction, or termination of services being provided under the individualized written rehabilitation program, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual with a disability.".

SEC. 124. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

(a) IN GENERAL.—Section 103(a) (29 U.S.C. 723(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;";

(2) in paragraph (2)—

(A) by striking "referral,";

(B) by inserting "work-related" before "placement services";

(C) by inserting before "followup," the following: "job search assistance, placement assistance, job retention services, personal assistance services, and";

(D) by striking "maintain or regain employment" and inserting "maintain, regain, or advance in employment"; and

(E) by striking ", and other services" and all that follows through "under this Act";

(3) in paragraph (3)—

(A) by striking "and services" and inserting "and such services"; and

(B) by striking ": Provided, That" and inserting ", except that";

(4) in paragraph (4)(A)—

(A) by striking "handicap to employment," and inserting "impediment to employment,"; and

(B) by striking "substantially reduce the handicap" and inserting "reduce such impediment to employment";

(5) in paragraph (5), by striking ", not exceeding the estimated cost of subsistence, during rehabilitation" and inserting "for additional costs incurred while participating in rehabilitation";

(6) by striking "and" at the end of paragraph (11);

(7) in paragraph (12), by striking "engineering services." and inserting "technology services;"; and

(8) by adding at the end the following:

"(13) referral and other services designed to assist individuals with disabilities in securing needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this Act;

"(14) transition services that promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives;

"(15) on-the-job or other related personal assistance services provided while an individual with a disability is receiving services described in this section; and

"(16) supported employment services.".

(b) ADDITIONAL VOCATIONAL REHABILITATION SERVICES.—Section 103(b) (29 U.S.C. 723(b)) is amended—

(1) in paragraph (1)—

(A) by striking "in the case" and inserting "In the case"; and

(B) by striking the semicolon at the end and inserting a period;

(2) in paragraph (2)—

(A) by striking "the construction" and all that follows through "rehabilitation facilities)" and inserting the following: "The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility, and the provision of other services (including services offered at community rehabilitation programs)";

(B) by striking the semicolon at the end and inserting a period; and

(C) by adding at the end the following sentence: "Such programs shall be used to provide services that promote integration and competitive employment.";

(3) in paragraph (3)—

(A) by striking "the use of" and inserting "The use of"; and

(B) by striking "; and" and inserting a period;

(4) in paragraph (4), by striking "the use of" and inserting "The use of"; and

(5) by adding at the end the following paragraph:

"(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.".

SEC. 125. NON-FEDERAL SHARE FOR CONSTRUCTION.

Section 104 (29 U.S.C. 724) is amended—

(1) by striking "costs of construction or establishment of a public or nonprofit rehabilitation facility" and inserting "costs of establishment of a community rehabilitation program or construction, under special circumstances, of a facility for such a program"; and

(2) by striking "construction or establishment of a facility" and inserting "establishment of such a program or construction of such a facility".

SEC. 126. STATE REHABILITATION ADVISORY COUNCIL.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.) is amended by adding at the end the following:

"SEC. 105. STATE REHABILITATION ADVISORY COUNCIL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Except as provided in subparagraph (B) or (C) of section 101(a)(36), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Advisory Council (referred to in this section as the 'Council') in accordance with this section.

"(2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND.—A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(1)(A)(i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

"(b) COMPOSITION AND APPOINTMENT.—

"(1) COMPOSITION.—The Council shall be composed of—

"(A) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

"(B) at least one representative of a parent training and information center established pursuant to section 631(c)(9) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(c)(9));

"(C) at least one representative of the client assistance program established under section 112;

"(D) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

"(E) at least one representative of community rehabilitation program service providers;

"(F) four representatives of business, industry, and labor;

"(G) representatives of disability advocacy groups representing a cross section of—

"(i) individuals with physical, cognitive, sensory, and mental disabilities; and

"(ii) parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; and

"(H) current or former applicants for, or recipients of, vocational rehabilitation services.

"(2) EX OFFICIO MEMBER.—The Director of the designated State unit shall be an ex officio member of the Council.

"(3) APPOINTMENT.—Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

"(4) QUALIFICATIONS.—A majority of Council members shall be persons who are—

"(A) individuals with disabilities described in section 7(8)(B); and

"(B) not employed by the designated State unit.

"(5) CHAIRPERSON.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

"(B) DESIGNATION BY GOVERNOR.—In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

"(6) TERMS OF APPOINTMENT.—

"(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of not more than 3 years, except that—

"(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(B) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms.

"(7) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

"(c) FUNCTIONS OF COUNCIL.—The Council shall—

"(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this title, particularly responsibilities relating to—

"(A) eligibility (including order of selection);

"(B) the extent, scope, and effectiveness of services provided; and

"(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives under this title;

"(2) advise the designated State agency and the designated State unit, and, at the discretion of the designated State agency, assist in the preparation of applications, the State plan, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by this title;

"(3) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—

"(A) the functions performed by State agencies and other public and private entities responsible for performing functions for individuals with disabilities; and

"(B) vocational rehabilitation services—

"(i) provided, or paid for from funds made available, under this Act or through other public or private sources; and

"(ii) provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities;

"(4) prepare and submit an annual report to the Governor or appropriate State entity and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

"(5) coordinate with other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12)), the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), and the State mental health planning council established under section 1916(e) of the Public Health Service Act (42 U.S.C. 300x-4(e));

"(6) advise the State agency designated under section 101(a)(1) and provide for coordination and the establishment of working relationships between the State agency and the Statewide Independent Living Council and centers for independent living within the State; and

"(7) perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Advisory Council determines to be appropriate, that are comparable to the other functions performed by the Council.

"(d) RESOURCES.—

"(1) PLAN.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

"(2) RESOLUTION OF DISAGREEMENTS.—To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor or appointing agency consistent with paragraph (1).

"(3) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

"(4) PERSONNEL CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

"(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

"(f) MEETINGS.—The Council shall convene at least 4 meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

"(g) COMPENSATION AND EXPENSES.—The Council may use funds appropriated under this title to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

"(h) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"(i) USE OF EXISTING COUNCILS.—To the extent that a State has established a Council before September 30, 1992, that is comparable to the Council described in this section, such established Council shall be considered to be in compliance with this section. Within 1 year after the date of enactment of the Rehabilitation Act Amendments of 1992, such State shall establish a Council that complies in full with this section.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 104 the following:

"Sec. 105. State Rehabilitation Advisory Council.".

"Sec. 105. State Rehabilitation Advisory Council.".

SEC. 127. EVALUATION.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.) (as amended by section 126(a)), is further amended by adding at the end the following:

"SEC. 106. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commissioner shall, not later than September 30, 1994, establish and publish evaluation standards and performance indicators for the vocational rehabilitation program under this title.

"(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that facilitate and in no way impede the accomplishment of the purpose and policy of this title.

"(3) COMMENT.—The standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. The Commissioner shall publish in the Federal Register a notice of intent to regulate regarding the development of proposed standards and indicators. Proposed standards and indicators shall be published in the Federal Register for review and comment. Final standards and indicators shall be published in the Federal Register.

"(b) COMPLIANCE.—

"(1) STATE REPORTS.—In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

"(2) PROGRAM IMPROVEMENT.—

"(A) PLAN.—If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

"(B) REVIEW.—The Commissioner shall—

"(i) review the program improvement efforts of the State on a biannual basis and, if necessary, request the State to make further revisions to the plan to improve performance; and

"(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

"(c) WITHHOLDING.—If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

"(d) REPORT TO CONGRESS.—Beginning in fiscal year 1996, the Commissioner shall include in each annual report to the Congress under section 13 an analysis of program performance, including relative State performance, based on the standards and indicators.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 105 (as added by section 126(b)) the following:

"Sec. 106. Evaluation standards and performance indicators.".

SEC. 128. MONITORING AND REVIEW.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.) (as amended by sections 126(a) and 127(a)), is further amended by adding at the end the following:

"SEC. 107. MONITORING AND REVIEW.

"(a) IN GENERAL.—

"(1) DUTIES.—In carrying out the duties of the Commissioner under this title, the Commissioner shall—

"(A) provide for the annual review and periodic on-site monitoring of programs under this title; and

"(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such plan and with evaluation standards and performance indicators established under section 106.

"(2) PROCEDURES FOR REVIEWS.—In conducting reviews under this section the Commissioner shall consider, at a minimum—

"(A) State policies and procedures;

"(B) guidance materials;

"(C) decisions resulting from hearings conducted in accordance with due process;

"(D) strategic plans and updates;

"(E) plans and reports prepared under section 106(b);

"(F) consumer satisfaction surveys described in section 101(a)(32);

"(G) information provided by the State Rehabilitation Advisory Council established under section 105;

"(H) reports; and

"(I) budget and financial management data.

"(3) PROCEDURES FOR MONITORING.—In conducting monitoring under this section the Commissioner shall conduct—

"(A) on-site visits, including on-site reviews of records to verify that the State is following requirements regarding the order of selection set forth in section 101(a)(5)(A);

"(B) public hearings and other strategies for collecting information from the public;

"(C) meetings with the State Rehabilitation Advisory Council;

"(D) reviews of individual case files, including individualized written rehabilitation programs and ineligibility determinations; and

"(E) meetings with rehabilitation counselors and other personnel.

"(4) AREAS OF INQUIRY.—In conducting the review and monitoring, the Commissioner shall examine—

"(A) the eligibility process;

"(B) the provision of services, including, if applicable, the order of selection;

"(C) whether the personnel evaluation system described in section 101(a)(35) facilitates and does not impede the accomplishments of the program;

"(D) such other areas as may be identified by the public or through meetings with the State Rehabilitation Advisory Council; and

"(E) such other areas of inquiry as the Commissioner may consider appropriate.

"(b) TECHNICAL ASSISTANCE.—The Commissioner shall—

"(1) provide technical assistance to programs under this title regarding improving the quality of vocational rehabilitation services provided; and

"(2) provide technical assistance and establish a corrective action plan for a program under this title if the Commissioner finds that the program fails to comply substantially with the provisions of the State plan, or with evaluation standards or performance indicators established under section 106, in order to ensure that such failure is corrected as soon as practicable.

"(c) FAILURE TO COMPLY WITH PLAN.—

"(1) WITHHOLDING PAYMENTS.—Whenever the Commissioner, after providing reasonable notice and an opportunity for a hearing to the State agency administering or supervising the administration of the State plan approved under section 101, finds that—

"(A) the plan has been so changed that it no longer complies with the requirements of section 101(a); or

"(B) in the administration of the plan there is a failure to comply substantially with any provision of such plan or with an evaluation standard or performance indicator established under section 106,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in the discretion of the Commissioner, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until the Commissioner is satisfied there is no longer any such failure.

"(2) PERIOD.—Until the Commissioner is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall reduce payments or limit payments to projects under those parts of the State plan in which there is no such failure).

"(3) DISBURSAL OF WITHHELD FUNDS.—The Commissioner may, in accordance with regulations the Secretary shall prescribe, disburse any funds withheld from a State under paragraph (1) to any public or nonprofit private organization or agency within such State or to any political subdivision of such State submitting a plan meeting the requirements of section 101(a). The Commissioner may not make any payment under this paragraph unless the entity to which such payment is made has provided assurances to the Commissioner that such entity will contribute, for purposes of carrying out such plan, the same amount as the State would have been obligated to contribute if the State received such payment.

"(d) REVIEW.—

"(1) PETITION.—Any State that is dissatisfied with a final determination of the Commissioner

under section 101(b) or subsection (c) may file a petition for judicial review of such determination in the United States Court of Appeals for the circuit in which the State is located. Such a petition may be filed only within the 30-day period beginning on the date that notice of such final determination was received by the State. The clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer designated by the Commissioner for that purpose. In accordance with section 2112 of title 28, United States Code, the Commissioner shall file with the court a record of the proceeding on which the Commissioner based the determination being appealed by the State. Until a record is so filed, the Commissioner may modify or set aside any determination made under such proceedings.

"(2) SUBMISSIONS AND DETERMINATIONS.—If, in an action under this subsection to review a final determination of the Commissioner under section 101(b) or subsection (c), the petitioner or the Commissioner applies to the court for leave to have additional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within 30 days an additional opportunity to make such submissions and presentations. Within such period, the Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

"(3) STANDARDS OF REVIEW.—

"(A) IN GENERAL.—Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction—

"(i) to grant appropriate relief as provided in chapter 7 of title 5, United States Code, except for interim relief with respect to a determination under subsection (c); and

"(ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5, United States Code.

"(B) SUBSTANTIAL EVIDENCE.—Section 706 of title 5, United States Code, shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 6(c) (29 U.S.C. 705(c)) is amended by striking "101" and inserting "107".

(2) The table of contents relating to the Act is amended by inserting after the item relating to section 106 (as added by section 127(b)) the following:

"Sec. 107. Monitoring and review.".

SEC. 129. EXPENDITURE OF CERTAIN AMOUNTS.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.), as amended by the preceding sections, is further amended by adding at the end the following:

"SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.

"(a) EXPENDITURE.—Amounts described in subsection (b) may not be expended by a State for any purpose other than carrying out programs for which the State receives financial assistance under this title, under part C of title VI, or under title VII.

"(b) AMOUNTS.—The amounts referred to in subsection (a) are amounts provided to a State under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of payments received by the State from allotments under section 110 of this Act.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 107 (as added by section 128(b)(2)) the following:

"Sec. 108. Expenditure of certain amounts.".

SEC. 130. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.), as amended by the preceding sections, is further amended by adding at the end the following:

"SEC. 109. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

"A State may expend payments received under section 111—

"(1) to carry out a program to train employers with respect to compliance with the requirements of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.); and

"(2) to inform employers of the existence of the program and the availability of the services of the program.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 108 (as added by section 129(b)) the following:

"Sec. 109. Training of employers with respect to Americans with Disabilities Act of 1990.".

SEC. 131. REALLOTMENT.

(a) TERRITORIES.—Section 110(a) (29 U.S.C. 730(a)) is amended—

(1) in paragraph (3), by striking "and the Trust Territory of the Pacific Islands" and inserting "and the Republic of Palau"; and

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

"(5) The Republic of Palau may receive allotments or allocations under this section only until the Compact of Free Association with Palau takes effect.".

(b) REALLOTMENT.—Section 110(c) (29 U.S.C. 730(c)) is amended by adding at the end the following:

"(4) If the Commissioner determines, under paragraph (1), that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title, the payment shall remain available for reallotment to other States until reallotted.".

(c) RESERVATION.—Section 110(d) (29 U.S.C. 730(d)) is amended by striking paragraph (2) and inserting the following:

"(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(A) not less than one-third of one percent and not more than 1.5 percent of the amount under paragraph (1), for fiscal years 1993 and 1994; and

"(B) not less than one-half of one percent and not more than 1.5 percent of the amount under paragraph (1), for fiscal years 1995, 1996, and 1997.".

SEC. 132. PAYMENTS TO STATES.

Section 111(a) (29 U.S.C. 731(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(including any additional payment to it under section 110(b))"; and

(B) by striking "State plan." and inserting "State plan and development and implementation of the strategic plan as provided in section 101(a)(34)(A). Any State that receives such an amount shall expend, for development and implementation of the strategic plan, not less than the percentage of the allotment of the State referred to in section 101(a)(34)(B).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "(and any additional payment under subsection (b))"; and

(B) by amending subparagraph (B) to read as follows:

"(B)(i) For fiscal year 1993, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the average of the total of such expenditures for the 3 fiscal years preceding the previous fiscal year.

"(ii) For fiscal year 1994 and each fiscal year thereafter, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the total of such expenditures for the second fiscal year preceding the previous fiscal year."; and

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

"(3)(A) Except as provided in subparagraph (B), the amount of a payment under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share that is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a))), in such State.

"(B) If the Federal share with respect to rehabilitation facilities in such State is determined pursuant to section 645(b)(2) of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such section.".

SEC. 133. CLIENT ASSISTANCE PROGRAM.

(a) ADVOCACY.—Section 112(a) (29 U.S.C. 732(a)) is amended—

(1) in the first sentence—

(A) by striking "to assist such clients" and inserting "to assist and advocate for such clients";

(B) by inserting "and advocacy" after "including assistance"; and

(C) by inserting before the period in the first sentence the following: "and to facilitate access to the services funded under this Act through individual and systemic advocacy";

(2) by amending the second sentence to read as follows: "The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs."; and

(3) by inserting after the second sentence the following: "In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.".

(b) REDESIGNATION OF AGENCY.—Section 112(c)(1) (29 U.S.C. 732(c)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and unless—

"(i) the Governor has given the agency 30 days notice of the intention to make such redes-

ignation, including specification of the good cause for such redesignation and an opportunity to respond to the assertion that good cause has been shown;

"(ii) individuals with disabilities or their representatives have timely notice of the redesignation and opportunity for public comment; and

"(iii) the agency has the opportunity to appeal to the Commissioner on the basis that the redesignation was not for good cause.".

(c) MINIMUM STATE ALLOTMENTS.—Section 112(e)(1) (29 U.S.C. 732(e)(1)) is amended—

(1) in subparagraph (B), by striking "and the Trust Territory of the Pacific Islands." and inserting "and the Republic of Palau, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.";

(2) in subparagraph (C), by striking "and the Trust Territory of the Pacific Islands" and inserting "and the Republic of Palau"; and

(3) in subparagraph (D)—

(A) in clause (i), by striking "$75,000" and inserting "$100,000"; and

(B) in clause (ii)—

(i) by striking "subsection (c)," and inserting "clause (i),";

(ii) by striking "minimum allotment under subparagraph (A)" and inserting "minimum allotments under subparagraphs (A) and (B)"; and

(iii) by striking "fiscal year by more than" and all that follows and inserting "fiscal year.".

(d) REPORT.—Section 112(g) (29 U.S.C. 732(g)) is amended by adding at the end the following new paragraphs:

"(5) Each such report shall contain information on the number of requests the client assistance program under this section receives annually, the number of requests such program is unable to serve, and the reasons that the program is unable to serve all the requests.

"(6) For purposes of such report or for any other periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 112 (29 U.S.C. 732) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in subsection (h) (as so redesignated by paragraph (2) of this subsection) by striking "$7,100,000" and all that follows and inserting "such sums as may be necessary for fiscal years 1993 through 1997 to carry out the provisions of this section.".

SEC. 134. INNOVATION AND EXPANSION GRANTS.

(a) AMENDMENT.—Part C of title I (29 U.S.C. 740 et seq.) is amended to read as follows:

"PART C—INNOVATION AND EXPANSION GRANTS

"SEC. 120. STATE ELIGIBILITY.

"Effective October 1, 1993, any State desiring to receive assistance under this part and part B of this title shall prepare and submit to the Commissioner a statewide strategic plan for developing and using innovative approaches for achieving long-term success in expanding and improving vocational rehabilitation services, including supported employment services, provided under the State plan submitted under section 101 and the supplement to the State plan submitted under part C of title VI.

"SEC. 121. CONTENTS OF STRATEGIC PLANS.

"(a) PURPOSE AND POLICY.—The strategic plan shall be designed to achieve the purpose and policy of this title and carry out the State plan and the supplement to the State plan submitted under part C of title VI.

"(b) CONTENTS.—The strategic plan shall include—

"(1) a statement of the mission, philosophy, values, and principles of the vocational rehabilitation program in the State;

"(2) specific goals and objectives for expanding and improving the system for providing the vocational rehabilitation program;

"(3) specific multifaceted and systemic approaches for accomplishing the objectives, including interagency coordination and cooperation, that build upon state-of-the-art practices and research findings and that implement the State plan and the supplement to the State plan submitted under part C of title VI;

"(4) a description of the specific programs, projects, and activities funded under this part and how the programs, projects, and activities accomplish the objectives; and

"(5) specific criteria for determining whether the objectives have been achieved, an assurance that the State will conduct an annual evaluation to determine the extent to which the objectives have been achieved, and, if specific objectives have not been achieved, the reasons that the objectives have not been achieved and a description of alternative approaches that will be taken.

"SEC. 122. PROCESS FOR DEVELOPING STRATEGIC PLANS.

"(a) PERIOD AND UPDATES.—The strategic plan shall cover a 3-year period and shall be updated on an annual basis to reflect actual experience over the previous year and input from the State Rehabilitation Advisory Council established under section 105, individuals with disabilities, and other interested parties.

"(b) RECOMMENDATIONS.—Prior to developing the strategic plan, the State shall hold public forums and meet with and receive recommendations from members of the State Rehabilitation Advisory Council and the Statewide Independent Living Council established under section 705.

"(c) CONSIDERATION OF RECOMMENDATIONS.—The State shall consider the recommendations and, if the State rejects the recommendations, shall include a written explanation of the rejection in the strategic plan.

"(d) PROCEDURE.—The State shall develop a procedure for ensuring ongoing comment from the councils described in subsection (b) as the plan is being implemented.

"(e) DISSEMINATION.—The State shall widely disseminate the strategic plan to individuals with disabilities, disability organizations, rehabilitation professionals, and other interested persons.

"SEC. 123. USE OF FUNDS.

"A State may use funds made available under this part, directly or by grant, contract, or other arrangement, to carry out—

"(1) programs to initiate and expand employment opportunities for individuals with severe disabilities in integrated settings that allow for the use of on-the-job training to promote the objectives of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.);

"(2) programs or activities to improve the provision of, and expand, employment services in integrated settings to individuals with sensory, cognitive, physical, and mental impairments who have traditionally not been served by the State vocational rehabilitation agency;

"(3) programs and activities to maximize the ability of individuals with disabilities to use rehabilitation technology in employment settings;

"(4) programs and activities that—

"(A) assist employers in accommodating, evaluating, training, or placing individuals with disabilities in the workplace of the employer consistent with provisions of this Act and title I of the Americans with Disabilities Act of 1990; and

"(B) may include short-term technical assistance or other effective strategies;

"(5) programs and activities that expand and improve the extent and type of client involvement in the review and selection of the training and employment goals of the client;

"(6) programs and activities that expand and improve opportunities for career advancement for individuals with severe disabilities;

"(7) programs, projects, and activities designed to initiate, expand, or improve working relationships between vocational rehabilitation services provided under this title and independent living services provided under title VII;

"(8) programs, projects, and activities designed to improve functioning of the system for delivering vocational rehabilitation services and to improve coordination and working relationships with other State and local agencies, business, industry, labor, community rehabilitation programs, and centers for independent living, including projects designed to—

"(A) increase the ease of access to, timeliness of, and quality of vocational rehabilitation services through the development and implementation of policies, procedures, and systems and interagency mechanisms for providing vocational rehabilitation services;

"(B) improve the working relationships between State vocational rehabilitation agencies, and other State agencies, centers for independent living, community rehabilitation programs, educational agencies involved in higher education, adult basic education, and continuing education, and businesses, industry, and labor organizations, in order to create and facilitate cooperation in—

"(i) planning and implementing services; and

"(ii) the development of an integrated system of community-based vocational rehabilitation service that includes appropriate transitions between service systems; and

"(C) improve the ability of professionals, clients, advocates, business, industry, and labor to work in cooperative partnerships to improve the quality of vocational rehabilitation services and job and career opportunities for individuals with disabilities;

"(9) support efforts to ensure that the annual evaluation of the effectiveness of the program in meeting the goals and objectives set forth in the State plan, including the system for evaluating the performance of rehabilitation counselors, coordinators, and other personnel used in the State, facilitates and does not impede the accomplishment of the purpose and policy of this title, including serving, among others, individuals with the most severe disabilities;

"(10) support the initiation, expansion, and improvement of a comprehensive system of personnel development;

"(11) support the provision of training and technical assistance to clients, business, industry, labor, community rehabilitation programs, and others regarding the implementation of the amendments made by the Rehabilitation Act Amendments of 1992, of title V of this Act, and of the Americans with Disabilities Act of 1990; and

"(12) support the funding of the State Rehabilitation Advisory Council and the Statewide Independent Living Council established under section 705.

"SEC. 124. ALLOTMENTS AMONG STATES.

"(a) IN GENERAL.—

"(1) STATES.—

"(A) POPULATION BASIS.—Except as provided in subparagraph (B), from sums appropriated for each fiscal year to carry out this part (not including sums used in accordance with section 101(a)(34)(B)), the Commissioner shall make an allotment to each State whose State plan has been approved under section 101 of an amount bearing the same ratio to such sums as the pop-

ulation of the State bears to the population of all States.

"(B) MINIMUMS.—Subject to the availability of appropriations to carry out this part, the allotment to any State under subparagraph (A) shall be not less than $200,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $200,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts.

"(2) CERTAIN TERRITORIES.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

"(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(3) ADJUSTMENT FOR INFLATION.—For purposes of determining the minimum amount of an allotment under paragraph (1)(B), the amount $200,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

"(b) PROPORTIONAL REDUCTION.—Amounts necessary to provide allotments to States in accordance with subsection (a)(1)(B) as increased under subsection (a)(3), or to provide allotments in accordance with subsection (a)(2)(B), shall be derived by proportionately reducing the allotments of the remaining States under subsection (a)(1), but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than the greater of $200,000 or one-third of one percent of the sums made available for purposes of this part for the fiscal year for which the allotment is made, as increased in accordance with subsection (a)(3).

"(c) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the purposes of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by striking the items relating to part C of title I and inserting the following:

"PART C—INNOVATION AND EXPANSION GRANTS

"Sec. 120. State eligibility.
"Sec. 121. Contents of strategic plans.
"Sec. 122. Process for developing strategic plans.
"Sec. 123. Use of funds.
"Sec. 124. Allotments among States.".

SEC. 135. STUDY OF NEEDS OF AMERICAN INDIANS WITH HANDICAPS.

(a) REPEAL.—Part D of title I is amended by repealing section 131 (29 U.S.C. 751).

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 131.

SEC. 136. REVIEW OF DATA COLLECTION SYSTEM.

(a) REVIEW.—The Commissioner of the Rehabilitation Services Administration (in this section referred to as the 'Commissioner') shall undertake a comprehensive review of the current system for collecting and reporting client data under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), particularly data on clients of the programs under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

(b) CONSIDERATIONS.—

(1) IN GENERAL.—In conducting the review, the Commissioner shall examine the kind, quantity, and quality of the data that are currently reported, taking into consideration the range of purposes that the data serve at the Federal, State, and local levels.

(2) DATA ELEMENTS.—In conducting the review, the Commissioner shall examine the feasibility of collecting and reporting under the system information, if such information can be determined, regarding—

(A) other program participation by clients during the 3 years prior to application;

(B) the number of jobs held, hours worked, and earnings received by clients in the 3 years prior to application to a program under the Rehabilitation Act of 1973;

(C) the types of major and secondary disabilities of clients;

(D) the dates of the onset of disabilities of clients;

(E) the severity of the disabilities of clients;

(F) the sources of referral of clients to programs under such Act;

(G) the hours worked by clients;

(H) the size and industry code of the place of employment of clients at the time of entry into such a program and at the termination of services under the program;

(I) the number of services provided under the programs and the cost of each service;

(J) the types of public support received by the clients;

(K) the primary sources of economic support and amounts of public assistance received by the clients before and after receiving the services;

(L) whether the clients are covered by health insurance from any source and whether health insurance is available through the employment of the client;

(M) the supported employment status of the client; and

(N) the reasons for terminating the services.

(c) RECOMMENDATIONS.—Based on the review, the Commissioner shall recommend improvements in the data collection and reporting system.

(d) VIEWS.—In developing the recommendations, the Commissioner shall seek views of persons and entities providing or using such data, including State agencies, State Rehabilitation Advisory Councils, providers of vocational rehabilitation services, professionals in the field of vocational rehabilitation, clients and organizations representing clients, the National Council on Disability, other Federal agencies, non-Federal researchers, other analysts using the data, and other members of the public.

(e) PUBLICATION AND SUBMISSION OF REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall publish the recommendations in the Federal Register and shall prepare and submit a report containing the recommendations to the appropriate committees of Congress. The Commissioner shall not implement the recommendations earlier than 90 days after the date on which the Commissioner submits the report.

SEC. 137. EXCHANGE OF DATA.

The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purpose of exchanging data of mutual importance, regarding clients of State vocational rehabilitation agencies, that are contained in databases maintained by the Rehabilitation Services Administration, as required under section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712), and the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records. For purposes of the exchange, the Social Security data shall not be considered tax information and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.

SEC. 138. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) STATE PLAN.—The Secretary of Education shall implement the amendments made by section 122 of this Act to section 101 of the Rehabilitation Act of 1973 (29 U.S.C. 721), as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973, but not later than October 1, 1993.

TITLE II—RESEARCH

SEC. 201. DECLARATION OF PURPOSE.

Section 200 (29 U.S.C. 760) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) provide for research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness of services authorized under this Act;

"(2) provide for a comprehensive and coordinated approach to the support and conduct of such research, demonstration projects, training, and related activities and to ensure that the approach is in accordance with the long-range plan for research developed under section 202(g);

"(3) promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to—

"(A) the procurement process for the purchase of rehabilitation technology;

"(B) the utilization of rehabilitation technology on a national basis; and

"(C) specific adaptations or customizations of products to enable individuals with disabilities to live more independently;

"(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information—

"(A) generated by research, demonstration projects, training, and related activities; and

"(B) regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities,

to rehabilitation professionals, individuals with disabilities, and other interested parties;

"(5) identify effective strategies that enhance the opportunities of individuals with disabilities to engage in productive work; and

"(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1)—

(A) by striking "other than expenses to carry out section 204" and inserting "which shall include the expenses of the Rehabilitation Research Advisory Council under section 205, and shall not include the expenses of such Institute to carry out section 204"; and

(B) by striking "fiscal year 1987" and all that follows through the semicolon and inserting "each of fiscal years 1993 through 1997;"; and

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

"(2) to carry out section 204, such sums as may be necessary for each of fiscal years 1993 through 1997.".

SEC. 203. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

(a) ESTABLISHMENT.—Section 202(a) (29 U.S.C. 761a(a)) is amended—

(1) in the first sentence—

(A) by striking "In order" and all that follows through "there" and inserting "(1) There"; and

(B) by striking the period at the end and inserting the following: ", in order to—

"(A) promote, coordinate, and provide for—

"(i) research;

"(ii) demonstration projects; and

"(iii) related activities,

with respect to individuals with disabilities;

"(B) more effectively carry out activities through the programs under section 204;

"(C) widely disseminate information from the activities described in clauses (i) through (iii) of subparagraph (A) and subparagraph (B); and

"(D) provide leadership in advancing the quality of life of individuals with disabilities."; and

(2) by striking the second sentence and inserting the following:

"(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 3(a).".

(b) RESPONSIBILITIES.—Section 202(b) (29 U.S.C. 761a(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, and related activities funded by the Institute, to—

"(A) other Federal, State, tribal, and local public agencies;

"(B) private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

"(C) rehabilitation practitioners; and

"(D) individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals;";

(2) by striking paragraph (4) and inserting the following:

"(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to—

"(A) public and private entities, including—

"(i) elementary and secondary schools (as defined in paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21)); and

"(ii) institutions of higher education;

"(B) rehabilitation practitioners;

"(C) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act); and

"(D) the parents, family members, guardians, advocates, or authorized representatives of the individuals;";

(3) by striking paragraph (6) and inserting the following:

"(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology, pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities;";

(4) in paragraph (7), by striking "; and" and inserting ", including dissemination activities;";

(5) in paragraph (8)—

(A) by inserting "the Health Care Financing Administration," after "the Bureau of the Census,";

(B) by inserting "widely" before "disseminating";

(C) by striking "and others to assist in the planning and evaluation" and inserting ", individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, and others to assist in the planning, assessment, and evaluation"; and

(D) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following paragraphs:

"(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

"(10) conducting research to examine the relationship between the provision of specific services and long-term vocational outcomes; and

"(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506 of such Act (42 U.S.C. 12206).".

(c) DIRECTOR.—

(1) IN GENERAL.—Section 202(c)(1) (29 U.S.C. 761a(c)(1)) is amended—

(A) in the first sentence, by striking "appointed by the President, by and with the advice and consent of the Senate." and inserting "appointed by the Secretary, except that the person serving as the Director on the date of the enactment of the Rehabilitation Act Amendments of 1992 may, at the pleasure of the President, continue to serve as Director."; and

(B) by striking the fourth sentence.

(2) QUALIFICATIONS.—Section 202(c)(2) (29 U.S.C. 761a(c)(2)) is amended—

(A) by inserting after the first sentence the following: "The Deputy Director shall be an individual with substantial experience in rehabilitation and in research administration.";

(B) in the sentence beginning "The Deputy Director shall be compensated"—

(i) by striking "the rate provided for grade GS–17 of the General Schedule under section 5332" and inserting "the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382"; and

(ii) by striking "or disability of the Director" and inserting "of the Director or the inability of the Director to perform the essential functions of the job"; and

(C) by striking the last sentence.

(d) FELLOWSHIPS.—Section 202(d) (29 U.S.C. 761a(d)) is amended by inserting ", including individuals with disabilities," after "fellows".

(e) SCIENTIFIC REVIEW.—Section 202(e) (29 U.S.C. 761a(e)) is amended—

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

(2) by striking "rehabilitation field." and inserting the following: "rehabilitation field (including experts in the independent living field) competent to review research grants and programs, including knowledgeable individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals. The Director shall solicit nominations for such peer review groups from the public and shall publish the names of the individuals selected. Individuals comprising each peer review group shall be selected from a pool of qualified individuals to facilitate knowledgeable, cost-effective review."; and

(3) by adding at the end the following:

"(2) In providing for such scientific review, the Secretary shall provide for training of such individuals and mechanisms to receive input from individuals with disabilities, and from the parents, family members, guardians, advocates, or authorized representatives of the individuals.".

(f) USE OF FUNDS.—Section 202 (29 U.S.C. 761a) is amended by striking subsection (f) and inserting the following:

"(f) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall be expended by the Director to carry out activities under this title through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.".

(g) LONG-RANGE PLAN.—Section 202(g) (29 U.S.C. 761a(g)) is amended—

(1) in the matter preceding paragraph (1), by striking "within eighteen months after the effective date of this section";

(2) in paragraph (1), by striking "problems encountered" and all that follows and inserting "full inclusion and integration into society of individuals with disabilities, especially in the area of employment;";

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

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

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

"(4) be developed in consultation with the Rehabilitation Research Advisory Council established under section 205 and after full consideration of the input of individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals, organizations representing individuals with disabilities, providers of services furnished under this Act, and researchers in the rehabilitation field;

"(5) specify plans for widespread dissemination of research results in accessible formats to rehabilitation practitioners, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals;

"(6) specify plans for widespread dissemination of research results that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs under this Act;

"(7) be developed by the Director—

"(A) in coordination with the Commissioner; and

"(B) in consultation with the National Council on Disability established under title IV, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Interagency Committee on Disability Research established under section

203, individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of the individuals, and any other persons or entities the Director considers appropriate; and

"(8) be revised, in the manner required by this section—

"(A) at least once every 5 years; and

"(B) at any time determined to be necessary by the Director.".

(h) RESEARCH PROGRAM.—Section 202(i)(2) (29 U.S.C. 761a(i)(2)) is amended by striking "this section" and inserting "this title".

(i) PEDIATRIC REHABILITATION RESEARCH.—Section 202(j) (29 U.S.C. 761a(j)) is amended—

(1) in paragraph (1), by striking "for the establishment of" and inserting "to support"; and

(2) in paragraphs (2) and (3), by striking "establish" and inserting "support".

(j) REHABILITATION RESEARCHERS.—Section 202(k) (29 U.S.C. 761a(k)) is amended by striking "researchers" and all that follows and inserting the following: "rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this Act and that improve the effectiveness of services authorized under this Act.".

(k) RECOMMENDATIONS AND STUDY.—Section 202 (29 U.S.C. 761a) is amended by striking subsections (l) and (m).

SEC. 204. INTERAGENCY COMMITTEE.

(a) ESTABLISHMENT.—Section 203(a)(1) (29 U.S.C. 761b(a)(1)) is amended by inserting "the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services," after "designees): the Director,".

(b) IDENTIFICATION, ASSESSMENT, AND COORDINATION.—Section 203(b) (29 U.S.C. 761b(b)) is amended by striking "The" and inserting "After receiving input from individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals, the".

(c) REPORT.—Section 203(c) (29 U.S.C. 761b(c)) is amended by striking ", not later than" and all that follows through "shall" and inserting "shall annually".

SEC. 205. RESEARCH.

(a) IN GENERAL.—Section 204(a) (29 U.S.C. 762(a)) is amended—

(1) in the first sentence, by striking "demonstrations," and all that follows and inserting "demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and improve the effectiveness of services authorized under this Act. In carrying out this section, the Director shall emphasize projects that support the implementation of titles I, III, VI, VII, and VIII."; and

(2) in the last sentence—

(A) by inserting after "Such projects" the following: ", as described in the State plans submitted by State agencies,";

(B) by striking "special problems of homebound and institutionalized individuals" and inserting "studies and analysis of special problems of individuals who are homebound and individuals who are institutionalized"; and

(C) by striking the period at the end and inserting the following: ", particularly individuals with disabilities, and individuals with the most severe disabilities, who are members of populations that are unserved or underserved by programs under this Act.".

(b) RESEARCH ACTIVITIES.—Section 204(b) (29 U.S.C. 762(b)) is amended—

(1) by redesignating paragraphs (4) through (15) as paragraphs (5) through (16), respectively;

(2) by striking the matter preceding paragraph (1) and all that follows through paragraph (3) and inserting the following:

"(b)(1) In addition to carrying out projects under subsection (a), the Director may make grants under this subsection (referred to in this subsection as 'research grants') to pay part or all of the cost of the specialized research or demonstration activities described in paragraphs (2) through (16).

"(2)(A) Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which Centers shall—

"(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services; and

"(ii) serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

"(B) The Centers shall conduct research and training activities by—

"(i) conducting coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge that will improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities;

"(ii) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide rehabilitation services;

"(iii) providing training (including graduate, pre-service, and in-service training) for rehabilitation research personnel and other rehabilitation personnel; and

"(iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, through conferences, workshops, public education programs, in-service training programs, and similar activities.

"(C) The research to be carried out at each such Center may include—

"(i) basic or applied medical rehabilitation research;

"(ii) research regarding the psychological and social aspects of rehabilitation, including disability policy;

"(iii) research related to vocational rehabilitation;

"(iv) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities;

"(v) continuation of research to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities; and

"(vi) continuation of research that will improve services and policies that foster the productivity, independence, and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with mental retardation and other developmental disabilities, to live in their communities.

"(D) Training of students preparing to be rehabilitation personnel shall be an important priority for such a Center.

"(E) The Director shall make grants under this paragraph to establish and support both comprehensive centers dealing with multiple disabilities and centers primarily focused on particular disabilities.

"(F) Grants made under this paragraph may be used to provide funds for services rendered by such a Center to individuals with disabilities in connection with the research and training activities.

"(G) Grants made under this paragraph may be used to provide faculty support for teaching—

"(i) rehabilitation related courses of study for credit; and

"(ii) other courses offered by the Centers, either directly or through another entity.

"(H) The research and training activities conducted by such a Center shall be conducted in a manner that is accessible to and usable by individuals with disabilities.

"(I) The Director shall encourage the Centers to develop practical applications for the findings of the research of the Centers.

"(J) In awarding grants under this paragraph, the Director shall take into consideration the location of any proposed Center and the appropriate geographic and regional allocation of such Centers.

"(K) To be eligible to receive a grant under this paragraph, each such institution or provider shall—

"(i) be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate State and Federal law; and

"(ii) demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

"(L) The Director shall make grants under this paragraph for periods of 5 years, except that the Director may make a grant for a period of less than 5 years if—

"(i) the grant is made to a new recipient; or

"(ii) the grant supports new or innovative research.

"(M) Grants made under this paragraph shall be made on a competitive basis. To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(N) The Director shall establish a system of peer review of applications for grants under this paragraph. The peer review of an application for the renewal of a grant made under this paragraph shall take into account the past performance of the applicant in carrying out the grant and input from individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

"(O) An institution or provider that receives a grant under this paragraph to establish such a Center may not collect more than 15 percent of the amount of the grant received by the Center in indirect cost charges.

"(3)(A) Research grants may be used for the establishment and support of Rehabilitation Engineering Research Centers, operated by or in collaboration with institutions of higher education or nonprofit organizations, to conduct research or demonstration activities, and training activities, regarding rehabilitation technology, including rehabilitation engineering, assistive technology devices, and assistive technology services, for the purposes of enhancing opportunities for better meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

"(B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry out the research or demonstration activities by—

"(i) developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to—

"(I) solve rehabilitation problems and remove environmental barriers through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, and new or improved methods, equipment, and devices; and

"(II) study new or emerging technologies, products, or environments, and the effectiveness and benefits of such technologies, products, or environments;

"(ii) demonstrating and disseminating—

"(I) innovative models for the delivery, to rural and urban areas, of cost-effective rehabilitation technology services that promote utilization of assistive technology devices; and

"(II) other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities; or

"(iii) conducting research or demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

"(I) consumer responsive and individual and family centered innovative models for the delivery to both rural and urban areas, of innovative cost-effective rehabilitation technology services that promote utilization of rehabilitation technology; and

"(II) other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by, individuals with disabilities, including individuals with severe disabilities.

"(C) To the extent consistent with the nature and type of research or demonstration activities described in subparagraph (B), each Center established or supported through a grant made available under this paragraph shall—

"(i) cooperate with programs established under the Technology-Related Assistance to Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) and other regional and local programs to provide information to individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals, to—

"(I) increase awareness and understanding of how rehabilitation technology can address their needs; and

"(II) increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

"(ii) provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

"(iii) respond, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

"(D)(i) In establishing Centers to conduct the research or demonstration activities described in subparagraph (B)(iii), the Director may establish one Center in each of the following areas of focus:

"(I) Early childhood services, including early intervention and family support.

"(II) Education at the elementary and secondary levels, including transition from school to postschool activities.

"(III) Employment, including supported employment, and reasonable accommodations and the reduction of environmental barriers as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and title V.

"(IV) Independent living, including transition from institutional to community living, maintenance of community living on leaving the work force, self-help skills, and activities of daily living.

"(ii) Each Center conducting the research or demonstration activities described in subparagraph (B)(iii) shall have an advisory committee, of which the majority of members are individuals with disabilities who are users of rehabilitation technology, and the parents, family members, guardians, advocates, or authorized representatives of users of rehabilitation technology.

"(E) Grants made under this paragraph shall be made on a competitive basis and shall be for a period of 5 years, except that the Director may make a grant for a period of less than 5 years if—

"(i) the grant is made to a new recipient; or

"(ii) the grant supports new or innovative research.

"(F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(G) Each Center established or supported through a grant made available under this paragraph shall—

"(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.); and

"(ii) prepare and submit to the Director as part of an application for continuation of a grant, or as a final report, a report that documents the outcomes of the program in terms of both short- and long-term impact on the lives of individuals with disabilities, and such other information as may be requested by the Director.

"(4)(A) Research grants may be used to conduct a program for spinal cord injury research, including conducting such a program by making grants to public or private agencies and organizations to pay part or all of the costs of special projects and demonstration projects for spinal cord injuries, that will—

"(i) ensure widespread dissemination of research findings among all Spinal Cord Injury Centers, to rehabilitation practitioners, individuals with spinal cord injury, the parents, family members, guardians, advocates, or authorized representatives of such individuals, and organizations receiving financial assistance under this paragraph;

"(ii) provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

"(iii) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigations.

"(B) Any agency or organization carrying out a project or demonstration project assisted by a grant under this paragraph that provides services to individuals with spinal cord injuries shall—

"(i) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

"(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

"(iii) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

"(iv) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

"(C) In awarding grants under this paragraph, the Director shall take into account the location of any proposed Spinal Cord Injury Center and the appropriate geographic and regional allocation of such Centers.";

(3) in paragraphs (5) through (16) (as so redesignated by paragraph (1) of this subsection), by striking "Conduct of" the first place in each such paragraph that the term appears and inserting "Research grants may be used to conduct";

(4) in paragraph (9) (as so redesignated by paragraph (1) of this subsection), to read as follows:

"(9) Research grants may be used to conduct a program of research related to the rehabilitation of children, or older individuals, who are individuals with disabilities, including older American Indians who are individuals with disabilities. Such research program may include projects designed to assist the adjustment of, or maintain as residents in the community, older workers who are individuals with disabilities on leaving the work force.";

(5) in paragraph (12)(A) (as so redesignated by paragraph (1) of this subsection), by inserting "assessment," after "early intervention,"; and

(6) in paragraph (13) (as so redesignated by paragraph (1) of this subsection)—

(A) in the matter preceding subparagraph (A), by striking "developing the employment potential" and inserting "addressing the employment needs"; and

(B) in subparagraph (B), by striking "potential" and inserting "needs".

SEC. 206. REHABILITATION RESEARCH ADVISORY COUNCIL.

(a) COUNCIL.—Title II (29 U.S.C. 760 et seq.) is amended by adding at the end the following new section:

"REHABILITATION RESEARCH ADVISORY COUNCIL

"SEC. 205. (a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a Rehabilitation Research Advisory Council (referred to in this section as the 'Council') composed of 12 members appointed by the Secretary.

"(b) DUTIES.—The Council shall advise the Director with respect to research priorities and the development and revision of the long-range plan required by section 202(g).

"(c) QUALIFICATIONS.—Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the community of individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals. At least one-half of the members shall be individuals with disabilities or parents, family members, guardians, advocates, or authorized representatives of the individuals.

"(d) TERMS OF APPOINTMENT.—

"(1) LENGTH OF TERM.—Each member of the Council shall serve for a term of up to 3 years, determined by the Secretary, except that—

"(A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(B) the terms of service of the members initially appointed shall be (as specified by the Secretary) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(2) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive

full terms. Members may serve after the expiration of their terms until their successors have taken office.

"(e) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

"(f) PAYMENT AND EXPENSES.—

"(1) PAYMENT.—Each member of the Council who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the Council. All members of the Council who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—Each member of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Education to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(h) TECHNICAL ASSISTANCE.—On the request of the Council, the Secretary shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

"(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.".

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by inserting after the item relating to section 204 the following:

"Sec. 205. Rehabilitation Research Advisory Council.".

TITLE III—TRAINING AND DEMONSTRATION PROJECTS

SEC. 301. DECLARATION OF PURPOSE; ORGANIZATION.

(a) PURPOSE.—Section 300 (29 U.S.C. 770) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (4), (3), (2), and (5), respectively;

(2) by inserting paragraphs (2) and (3) (as so redesignated by paragraph (1) of this subsection), respectively, before paragraph (4) (as so redesignated by paragraph (1) of this subsection);

(3) by inserting before paragraph (2) the following:

"(1) authorize grants and contracts to—

"(A) ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs, through supported employment programs, through independent living services programs, and through client assistance programs;

"(B) maintain and upgrade basic skills and knowledge of personnel employed to provide state-of-the-art service delivery systems and rehabilitation technology services; and

"(C) provide training and information to individuals with disabilities, the parents, families, guardians, advocates, and authorized representatives of the individuals, and other appropriate parties to develop the skills necessary for individuals with disabilities to access the rehabilitation system and to become active decisionmakers in the rehabilitation process;";

(4) in paragraph (2) (as so redesignated by paragraph (1)) by striking "and" at the end;

(5) in paragraph (3) (as so redesignated by paragraph (1)) by striking "training" and inserting "rehabilitation"; and

(6) in paragraph (4) (as so redesignated by paragraph (1)) by striking "construction" and all that follows and inserting "development and improvement of community rehabilitation programs; and".

(b) ORGANIZATION.—Title III (29 U.S.C. 770 et seq.) is amended—

(1) by striking the headings for the title and part A of the title and inserting the following:

"TITLE III—TRAINING AND DEMONSTRATION PROJECTS

"PART A—TRAINING PROGRAMS AND COMMUNITY REHABILITATION PROGRAMS";

(2) by striking section 301 (29 U.S.C. 771);

(3) by redesignating sections 300, 302, 303, and 304 (29 U.S.C. 770, 772, 773, and 774) as sections 301, 303, 304, and 302, respectively; and

(4) by inserting section 302 (as so redesignated by paragraph (3) of this subsection) after section 301.

(c) CONFORMING AMENDMENTS.—The table of contents relating to title III is amended to read as follows:

"TITLE III—TRAINING AND DEMONSTRATION PROJECTS

"PART A—TRAINING PROGRAMS AND COMMUNITY REHABILITATION PROGRAMS

"Sec. 301. Declaration of purpose.
"Sec. 302. Training.
"Sec. 303. Vocational rehabilitation services for individuals with disabilities.
"Sec. 304. Loan guarantees for community rehabilitation programs.
"Sec. 305. Comprehensive rehabilitation centers.
"Sec. 306. General grant and contract requirements.

"PART B—SPECIAL PROJECTS

"Sec. 310. Authorization of appropriations.
"Sec. 311. Special demonstration programs.
"Sec. 312. Migratory workers.
"Sec. 314. Reader services for individuals who are blind.
"Sec. 315. Interpreter services for individuals who are deaf.
"Sec. 316. Special recreational programs.".

SEC. 302. TRAINING.

(a) TRAINING GRANTS AND CONTRACTS.—

(1) CERTAIN PROJECTS.—Section 302(a) (29 U.S.C. 774(a)) (as so redesignated by section 301(b)(3)) is amended in the first sentence—

(A) in the matter preceding paragraph (1)—

(i) by inserting after "traineeships, and related activities" the following: ", including the provision of technical assistance,"; and

(ii) by inserting ", and other services provided under this Act," after "rehabilitation services";

(B) in paragraph (1), by striking "specially" and inserting "specifically";

(C) in paragraph (2), by inserting before the comma at the end the following: ", including needs for rehabilitation technology services";

(D) in paragraph (3)—

(i) by striking "comprehensive services for independent living" and inserting "independent living services"; and

(ii) by striking "and" at the end;

(E) by redesignating paragraph (4) as paragraph (5); and

(F) by inserting after paragraph (3) the following: "(4) personnel specifically trained to deliver services, through supported employment programs, to individuals with the most severe disabilities, and";

(2) CERTAIN REQUIREMENTS; APPLICATION FOR ASSISTANCE.—Section 302(a) (29 U.S.C. 774(a)), as amended by paragraph (1), is amended—

(A) by striking the second and third sentences;

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

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

(D) by adding at the end the following paragraphs:

"(2) Grants and contracts under paragraph (1) may be expended for scholarships, with necessary stipends and allowances.

"(3) In carrying out this subsection, the Commissioner shall furnish training regarding the services provided under this Act, and, in particular, services provided in accordance with amendments made by the Rehabilitation Act Amendments of 1992, to rehabilitation counselors and other rehabilitation personnel. In carrying out this subsection, the Commissioner shall also furnish training to such counselors and personnel regarding the applicability of section 504 of this Act, title I of the Americans with Disabilities Act of 1990, and the provisions of titles II and XVI of the Social Security Act that are related to work incentives for individuals with disabilities.

"(4) The Commissioner, in carrying out this subsection, shall make grants to Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

"(5) No grant shall be awarded under this section unless the applicant has submitted an application to the Commissioner in such form, and in accordance with such procedures, as the Commissioner may require. Any such application shall include a detailed description of strategies that will be utilized to recruit and train persons so as to reflect the diverse populations of the United States, as part of the effort to increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide rehabilitation services.".

(b) PROJECTS.—Section 302(b) (29 U.S.C. 774(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) In making such grants or contracts, the Commissioner shall target funds made available for any year to areas of personnel shortage.

"(B) Projects described in subsection (a) may include—

"(i) projects to train personnel in the areas of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

"(ii) projects to train personnel to provide—

"(I) services to individuals with specific disabilities or specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

"(II) job development and job placement services to individuals with disabilities;

"(III) supported employment services, including services of employment specialists for individuals with disabilities;

"(IV) specialized services for individuals with severe disabilities; or

"(V) recreation for individuals with disabilities; and

"(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities."; and

(2) in paragraph (3)(A)—

(A) by inserting ", for any academic year beginning after June 1, 1992," after "who receives a scholarship"; and

(B) by striking clause (i) and inserting the following:

"(i) maintain employment—

"(I) in a nonprofit rehabilitation agency or related agency or in a State rehabilitation agency or related agency, including a professional corporation or professional practice group through which the individual has a service arrangement with the designated State agency;

"(II) on a full- or part-time basis; and

"(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this section was received,

within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in subclause (III) and 2 additional years; and".

(c) TECHNICIAN TRAINING; CAREER ADVANCEMENT AND COMPETENCY-BASED TRAINING.—Section 302 (29 U.S.C. 774) is amended—

(1) by redesignating subsections (d) through (f) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (c) the following subsections:

"(d) In carrying out subsection (a), the Commissioner shall award two grants to States, public or nonprofit private agencies and organizations, and institutions of higher education to support the development of rehabilitation technician programs. Such programs shall be designed to train local employees, who are recruited from or reside in a community historically unserved or underserved by programs providing vocational rehabilitation services under this Act, to be liaisons between the community and vocational rehabilitation counselors. The rehabilitation technician program shall provide a mechanism through which individuals with disabilities residing in remote, isolated settings can successfully access vocational rehabilitation services.

"(e)(1) In carrying out subsection (a), the Commissioner shall award two grants to States, public or nonprofit private agencies and organizations, and institutions of higher education to support the formation of consortia or partnerships of public or nonprofit private entities for the purpose of providing opportunities for career advancement or competency-based training to current employees of public or nonprofit private agencies that provide services to individuals with disabilities. Such opportunities shall include certificate or degree granting programs in vocational rehabilitation services and related services.

"(2) An entity that receives a grant under paragraph (1) may use the grant for purposes including—

"(A) establishing a program with an institution of higher education to develop creative new programs and coursework options, or to expand existing programs, concerning the fields of vocational rehabilitation services and related services, including—

"(i) providing release time for faculty and staff for curriculum development; and

"(ii) paying for instructional costs and start-up and other program development costs;

"(B) establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, and county employees, and volunteers, who—

"(i) have demonstrated a commitment to working in the fields described in clause (i); and

"(ii) are enrolled in a program relating to such a field at an institution of higher education;

"(C) supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in such fields; and

"(D) identifying existing public or private agency and labor union personnel policies and benefit programs that may facilitate the ability of employees to take advantage of higher education opportunities, such as leave time and tuition reimbursement.

"(3) In making grants for projects under paragraph (1), the Commissioner shall ensure that the projects shall be geographically distributed throughout the United States in urban and rural areas.

"(4) The Commissioner shall, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), enter into a cooperative agreement through a separate competition with an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of employees to serve individuals with disabilities through the use of consortia or partnerships established for the purpose of retraining the existing work force and providing opportunities for career enhancement.

"(5) The Commissioner may conduct an evaluation of projects funded under this subsection.

"(6) During the period in which an entity is receiving financial assistance under paragraph (1), the entity may not receive financial assistance under paragraph (4).".

(d) OFFICE OF DEAFNESS AND COMMUNICATIVE DISORDERS.—Section 302(f) (29 U.S.C. 774(f)) (as so redesignated by subsection (c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking "deaf individuals" and inserting "individuals who are deaf and individuals who are deaf-blind";

(ii) by striking "Office of Information and Resources for Individuals With Disabilities" and inserting "Office of Deafness and Communicative Disorders"; and

(iii) by striking "grants under this section" and inserting "grants"; and

(B) by striking the second sentence; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "this section" and inserting "paragraph (1)";

(B) in subparagraph (B), by striking "deaf individuals" and inserting "individuals who are deaf and individuals who are deaf-blind";

(C) in subparagraph (C), by adding "and" after the semicolon at the end;

(D) by striking subparagraph (D); and

(E) by redesignating subparagraph (E) as subparagraph (D).

(e) COMPENSATION OF EXPERTS AND CONSULTANTS.—Section 302(g) (29 U.S.C. 774(g)) (as so redesignated by subsection (c)) is amended—

(1) in paragraph (1), by striking "rehabilitation facilities" and inserting "community rehabilitation programs";

(2) in paragraph (2), by striking "the daily rate payable for grade GS-18 of the General Schedule under section 5332" and inserting "the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382"; and

(3) by adding at the end the following:

"(3)(A) Subject to subparagraph (B), at least 15 percent of the sums appropriated to carry out this section shall be allocated to designated State agencies to be used, directly or indirectly, for projects for in-service training of rehabilitation personnel, including projects designed—

"(i) to address recruitment and retention of qualified rehabilitation professionals;

"(ii) to provide for succession planning;

"(iii) to provide for leadership development and capacity building; and

"(iv) for fiscal years 1993 and 1994, to provide training regarding the amendments to this Act made by the Rehabilitation Act Amendments of 1992.

"(B) If the allocation to designated State agencies required by subparagraph (A) would result in a lower level of funding for projects being carried out on the date of enactment of the Rehabilitation Act Amendments of 1992 by other recipients of funds under this section, the Commissioner may allocate less than 15 percent of the sums described in subparagraph (A) to designated State agencies for such in-service training.".

(f) RELATIONSHIP TO TRAINING ACTIVITIES.—Section 302 (29 U.S.C. 774) (as amended by subsection (c)) is amended by adding at the end the following:

"(i)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund training activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund the training activities described in section 803.

"(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.".

SEC. 303. COMMUNITY REHABILITATION PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303(a) (29 U.S.C. 772(a)) (as so redesignated by section 301(b)(3)) is amended by striking "1987" and all that follows and inserting "1993 through 1997.".

(b) ESTABLISHMENT.—Section 303(b) (29 U.S.C. 772(b)) is amended—

(1) in paragraph (1)—

(A) by striking "training services" and inserting "rehabilitation services or employment support services"; and

(B) by striking "rehabilitation facilities" and inserting "community rehabilitation programs";

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) For purposes of this section, vocational rehabilitation services shall include—

"(i) training with a view toward career advancement;

"(ii) training (including on-the-job training) in occupational skills; and

"(iii) services, including rehabilitation technology services, personal assistance services, and supported employment services and extended services, that—

"(I) are related to training described in clause (i) or (ii); and

"(II) are required by the individual to engage in such training."; and

(B) in subparagraph (B)—

(i) by inserting after "(B)" the following new sentence: "Pursuant to regulations, payment of weekly allowances may be made to individuals receiving vocational rehabilitation services and related services under this section.";

(ii) in the second sentence (as placed pursuant to clause (i) of this subparagraph), by striking ", and such allowances" and all that follows and inserting a period; and

(iii) in the last sentence—

(I) by striking "training services" and inserting "vocational rehabilitation services"; and

(II) by striking "gainful and suitable" and inserting "competitive"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "gainful and suitable employment" and inserting "competitive employment, or to place or retain such individual in competitive employment";

(B) in subparagraph (B)—

(i) by striking "suitable for and";

(ii) by striking "training" each place the term appears and inserting "vocational rehabilitation"; and

(iii) by striking "rehabilitation facility" and inserting "community rehabilitation program";

(C) in subparagraph (C), by striking "training" and inserting "vocational rehabilitation"; and

(D) in subparagraph (D), by striking "rehabilitation facility and the training" and inserting "community rehabilitation program and the vocational rehabilitation".

(c) ADDITIONAL GRANTS.—Section 303 (29 U.S.C. 772) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) The Commissioner is also authorized to make grants, upon applications approved by the designated State agency, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning community rehabilitation programs, the cost of the services to be provided by such programs, and initial staffing costs of such programs."; and

(3) in subsection (d)(1) (as so redesignated by paragraph (1))—

(A) by striking "rehabilitation facilities" and inserting "community rehabilitation programs"; and

(B) by striking "such facilities" and inserting "such programs".

(d) CONFORMING AMENDMENT.—The heading of section 303 (29 U.S.C. 772) is amended by striking "TRAINING" and inserting "REHABILITATION".

SEC. 304. LOAN GUARANTEES.

Section 304 (29 U.S.C. 773) (as so redesignated by section 301(b)(3)) is amended—

(1) in the heading for the section, by striking "REHABILITATION FACILITIES" and inserting "COMMUNITY REHABILITATION PROGRAMS";

(2) in subsection (a), by striking "facilities for" and inserting "community rehabilitation"; and

(3) in subsection (b)—

(A) by inserting "under special circumstances and" after "may,"; and

(B) by striking "rehabilitation facilities" and inserting "facilities for community rehabilitation programs".

SEC. 305. COMPREHENSIVE REHABILITATION CENTERS.

Section 305 (29 U.S.C. 775) is amended—

(1) in subsection (d)(1), by striking "facility" and inserting "center"; and

(2) in subsection (g), by striking "1987," and all that follows and inserting "1993 through 1997.".

SEC. 306. GENERAL GRANT AND CONTRACT REQUIREMENTS.

Section 306 (29 U.S.C. 776) is amended—

(1) in subsection (a), by striking "section 302" and inserting "section 303";

(2) in subsection (b)(4), by striking "rehabilitation facilities" and inserting "facilities for community rehabilitation programs";

(3) in subsection (f), by striking "rehabilitation facility" and inserting "facility for a community rehabilitation program"; and

(4) in subsection (h), by striking "establishing facilities" and inserting "developing or improving community rehabilitation programs".

SEC. 307. AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES.

Section 310 (29 U.S.C. 777) is amended—

(1) by striking "(a)" after "310.";

(2) by striking "and 316" and inserting "312, and 316";

(3) by striking "$15,860,000" and all that follows and inserting "such sums as may be necessary for each of fiscal years 1993 through 1997."; and

(4) by striking subsection (b).

SEC. 308. SPECIAL DEMONSTRATION PROGRAMS.

(a) GRANTS.—Section 311(a) (29 U.S.C. 777a(a)) is amended—

(1) in paragraph (1)—

(A) by striking "and, where appropriate, constructing facilities"; and

(B) by striking "blind or deaf individuals," and all that follows and inserting the following: "individuals who are members of populations that are unserved or underserved by the programs under this Act, individuals who are blind, and individuals who are deaf,";

(2) in paragraph (2), by striking "new careers);" and inserting "new careers and career advancement);";

(3) in paragraph (3), by striking "and, where appropriate, renovating and constructing facilities"; and

(4) by striking the matter after and below paragraph (4).

(b) CERTAIN REQUIREMENTS.—Section 311 (29 U.S.C. 777a) is amended by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(c) SPECIAL PROJECTS AND DEMONSTRATIONS PROVIDING SUPPORTED EMPLOYMENT.—Section 311(c) (29 U.S.C. 777a(d)) (as so redesignated by subsection (b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "rehabilitation facilities" and inserting "community rehabilitation programs"; and

(ii) by inserting before the period the following: ", including continuation of determinations of the effectiveness of natural supports or other alternatives to providing extended employment services";

(B) in subparagraph (B)—

(i) by striking "and" before "(iii)"; and

(ii) in clause (iii), by striking "community-based rehabilitation facilities" and inserting "community rehabilitation programs"; and

(C) by adding at the end the following subparagraph:

"(C) Not less than two such grants shall serve individuals who either are low-functioning and deaf or low-functioning and hard-of-hearing.";

(2) in paragraph (3)(A), by striking ", 1988, and on each subsequent June 1" and inserting "of each year"; and

(3) in paragraph (4), by striking "$9,000,000" and all that follows and inserting "such sums as may be necessary for each of fiscal years 1993 through 1997.".

(d) MODEL STATEWIDE TRANSITIONAL PLANNING SERVICES.—Section 311(d) (29 U.S.C. 777a(e)) (as so redesignated by subsection (b)) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(3) in paragraph (3)(A) (as redesignated by paragraph (2) of this subsection)—

(A) by striking clause (ii); and

(B) by striking the clause designation; and

(4) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by striking "$450,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1993 through 1997.".

(e) RELATIONSHIP TO DEMONSTRATION ACTIVITIES.—Section 311 (29 U.S.C. 777a), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund demonstration programs, projects, and activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund programs, projects, and activities described in section 802.

"(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.".

SEC. 309. MIGRATORY WORKERS.

(a) COLLABORATION.—The first sentence of section 312 (29 U.S.C. 777b) is amended—

(1) by inserting "(a)" after "312."; and

(2) by inserting "to nonprofit agencies working in collaboration with such State agency," after "section 101,".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 312 (29 U.S.C. 777b) is amended by adding at the end the following new subsection:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1993 through 1997 such sums as may be necessary to carry out this section.".

SEC. 310. SPECIAL RECREATIONAL PROGRAMS.

(a) GRANTS.—Section 316(a) (29 U.S.C. 777f(a)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking "part or all" and inserting "the Federal share"; and

(ii) by inserting "employment," before "mobility,"; and

(B) in the second sentence, by inserting "vocational skills development," before "leisure education,";

(2) in paragraph (2), by striking "a minimum of a three-year period." and inserting "a period of not more than 3 years. Such a grant shall not be renewable, except that the Commissioner may renew such a grant if the Commissioner determines that the grant recipient will continue to develop model or innovative programs of exceptional merit or will contribute substantially to the development or improvement of special recreational programs in other locations.";

(3) in paragraph (3), by striking "to be made, and that" and all that follows and inserting "to be made."; and

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

"(4) To be eligible to receive a grant under this section, a State, agency, or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including a description of—

"(A) the manner in which the findings and results of the project will be made generally available; and

"(B) the means by which the service program will be continued after Federal assistance ends.

"(5) Recreation programs funded under this section shall maintain, at a minimum, the same level of services over a 3-year project period.

"(6) The Commissioner shall, not later than 180 days after the date of enactment of the Rehabilitation Act Amendments of 1992, develop means to objectively evaluate, and encourage the replication of, activities assisted by this section.

"(7) The Commissioner shall require each recipient of a grant under this section to annually prepare and submit a report on the results of the activities assisted by the grant. The Commissioner shall not make financial assistance avail-

able to a grant recipient for a subsequent year until the Commissioner has received and evaluated such a report from the recipient regarding the current year.

"(8) The Commissioner shall annually issue and provide for the dissemination of a report describing the findings and results of programs funded by this section.

"(9) The Federal share of the costs of the recreation programs shall be 100 percent for the first year of the grant, 75 percent for the second year, and 50 percent for the third year.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(b) (29 U.S.C. 777f(b)) is amended by striking "$2,330,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1993 through 1997.".

TITLE IV—NATIONAL COUNCIL ON DISABILITY

SEC. 401. ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.

(a) IN GENERAL.—Section 400(a) (29 U.S.C. 780(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by inserting after the first sentence the following:

"(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

"(i) organizations representing a broad range of individuals with disabilities; and

"(ii) organizations interested in individuals with disabilities.

"(C) The members of the National Council shall be individuals with disabilities or individuals who have substantial knowledge or experience relating to disability policy or programs.";

(C) in the last sentence, by striking "At least five members" and inserting "A majority of the members"; and

(D) by adding at the end the following sentence: "The members of the National Council shall be broadly representative of minority and other individuals and groups."; and

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

"(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

"(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

"(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.".

(b) TERMS.—Section 400(b) (29 U.S.C. 780(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis."; and

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

"(2)(A) No member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. Members may serve after the expiration of their terms until their successors have taken office.

"(B) As used in this paragraph:

"(i) The term 'full term' means a term of 3 years.

"(ii) The term 'date of initial service' means, with respect to a member, the date on which the member is sworn in.".

SEC. 402. DUTIES OF NATIONAL COUNCIL.

(a) DUTIES.—Section 401(a) (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;";

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (8), (9), and (10);

(3) by inserting after paragraph (3) the following paragraph:

"(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;";

(4) in paragraph (5) (as so redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "all policies, programs, and activities" and inserting "policies, programs, practices, and procedures";

(B) in subparagraph (B), by inserting "and regulations" after "statutes"; and

(C) in the matter following subparagraph (B), by striking "activities, and statutes" and inserting "practices, procedures, statutes, and regulations";

(5) in paragraph (6) (as so redesignated by paragraph (2) of this subsection), by striking "and activities" and all that follows and inserting "practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);";

(6) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following paragraph:

"(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);";

(7) in paragraph (8) (as so redesignated by paragraph (2) of this subsection), to read as follows:

"(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote the policies set forth in section 400(a)(2);";

(8) in paragraph (9) (as so redesignated by paragraph (2) of this subsection), to read as follows:

"(9) not later than March 31 of each year, prepare and submit to the Congress and the President a report containing a summary of the activities and accomplishments of the Council with respect to the duties described in paragraphs (1) through (8);";

(9) in paragraph (10) (as redesignated by paragraph (2) of this subsection), by striking the period and inserting "; and"; and

(10) by adding at the end the following:

"(11) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.".

(b) REPORT.—Section 401(b) (29 U.S.C. 781(b)) is amended to read as follows:

"(b)(1) Not later than October 31, 1993, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'National Disability Policy: A Progress Report'.

"(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

"(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.".

SEC. 403. COMPENSATION OF NATIONAL COUNCIL MEMBERS.

Section 402(a) (29 U.S.C. 782(a)) is amended by striking "rate of basic pay payable for grade GS–18 of the General Schedule under section 5332" and inserting "rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

SEC. 404. STAFF OF NATIONAL COUNCIL.

Section 403(b)(1) (29 U.S.C. 783(b)(1)) is amended by striking "annual rate of basic pay payable for grade GS–18 of the General Schedule under section 5332" and inserting "rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

SEC. 405. ADMINISTRATIVE POWERS OF NATIONAL COUNCIL.

Section 404 (29 U.S.C. 784) is amended by adding at the end the following subsection:

"(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) is amended by striking "1987" and all that follows and inserting "1993 through 1997.".

TITLE V—RIGHTS AND ADVOCACY

SEC. 501. RIGHTS AND ADVOCACY.

(a) TITLE.—Title V (29 U.S.C. 790 et seq.) is amended by striking the title heading and inserting the following:

"TITLE V—RIGHTS AND ADVOCACY".

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to the title heading for title V and inserting the following:

"TITLE V—RIGHTS AND ADVOCACY".

SEC. 502. EFFECT ON EXISTING LAW.

(a) REPEAL.—Title V (29 U.S.C. 790 et seq.) is amended by repealing section 500.

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 500.

SEC. 503. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—Section 501(a) (29 U.S.C. 791(a)) is amended—

(1) in the first sentence, by striking "the Secretary of Veterans Affairs, and" and inserting "the Director of the Office of Personnel Management, the Secretary of Veterans Affairs"; and

(2) by amending the second sentence to read as follows: "Either the Director of the Office of Personnel Management and the Chairman of the Commission shall serve as co-chairpersons of

the Committee or the Director or Chairman shall serve as the sole chairperson of the Committee, as the Director and Chairman jointly determine, from time to time, to be appropriate.".

(b) STANDARDS.—Section 501 (29 U.S.C. 791) is amended by adding at the end the following new subsection:

"(g) The standards used to determine whether this section has been violated in a complaint alleging nonaffirmative action employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to employment.".

SEC. 504. REFERENCES TO THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) ACCESS BOARD.—Section 502 (29 U.S.C. 792) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking "the 'Board'" and inserting "the 'Access Board'";

(2) by striking "the Board" each place the term appears and inserting "the Access Board"; and

(3) by striking "The Board" each place the term appears and inserting "The Access Board".

(b) COMPOSITION.—Section 502(a) (29 U.S.C. 792(a)) of the Act is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "Twelve" and inserting "Thirteen"; and

(ii) by striking "six" and inserting "at least a majority"; and

(B) in subparagraph (B), by inserting after clause (xi) the following:

"(xii) Department of Commerce.";

(2) in paragraph (2)(A)—

(A) in the first sentence—

(i) by inserting "(i)" after "(A)"; and

(ii) by striking "three years" and inserting "4 years, except as provided in clause (ii)";

(B) in the second sentence, by striking "four" and inserting "at least three"; and

(C) by adding at the end the following:

"(ii)(I) One member appointed for a term beginning December 4, 1992 shall serve for a term of 3 years.

"(II) One member appointed for a term beginning December 4, 1993 shall serve for a term of 2 years.

"(III) One member appointed for a term beginning December 4, 1994 shall serve for a term of 1 year.

"(IV) Members appointed for terms beginning before December 4, 1992 shall serve for terms of 3 years.";

(3) in paragraph (3), by striking "such an" and inserting "a Federal"; and

(4) in paragraph (5)(A), by striking "the daily rate prescribed for GS–18 under section 5332" and inserting "the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

(c) FUNCTION.—Section 502(b) (29 U.S.C. 792(b)) is amended to read as follows:

"(b) It shall be the function of the Access Board to—

"(1) ensure compliance with the standards prescribed pursuant to the Act entitled 'An Act to ensure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (commonly known as the Architectural Barriers Act of 1968; 42 U.S.C. 4151 et seq.) (including the application of such Act to the United States Postal Service), including enforcing all standards under such Act, and ensuring that all waivers and modifications to the standards are based on findings of fact and are not inconsistent with the provisions of this section;

"(2) develop advisory guidelines for, and provide appropriate technical assistance to, individuals or entities with rights or duties under regulations prescribed pursuant to this title or titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq. and 12181 et seq.) with respect to overcoming architectural, transportation, and communication barriers;

"(3) establish and maintain minimum guidelines and requirements for the standards issued pursuant to the Act commonly known as the Architectural Barriers Act of 1968 and titles II and III of the Americans with Disabilities Act of 1990;

"(4) promote accessibility throughout all segments of society;

"(5) investigate and examine alternative approaches to the architectural, transportation, communication, and attitudinal barriers confronting individuals with disabilities, particularly with respect to telecommunications devices, public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation, whether interstate, foreign, intrastate, or local), and residential and institutional housing;

"(6) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in paragraph (5);

"(7) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of General Services, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Act commonly known as the Architectural Barriers Act of 1968;

"(8) make to the President and to the Congress reports that shall describe in detail the results of its investigations under paragraphs (5) and (6);

"(9) make to the President and to the Congress such recommendations for legislative and administrative changes as the Access Board determines to be necessary or desirable to eliminate the barriers described in paragraph (5); and

"(10) ensure that public conveyances, including rolling stock, are readily accessible to, and usable by, individuals with physical disabilities.".

(d) INVESTIGATIONS AND HEARINGS.—Section 502(d) (29 U.S.C. 792(d)) is amended—

(1) in paragraph (1), in the first sentence—

(A) by striking "In carrying out" and all that follows through "shall conduct" and inserting "The Access Board shall conduct"; and

(B) by striking "insure" and inserting "ensure"; and

(2) by striking paragraph (3).

(e) INTERAGENCY AGREEMENTS.—Section 502(f) (29 U.S.C. 792(f)) is amended—

(1) by striking "(f) The departments" and inserting the following:

"(f)(1)(A) In carrying out the technical assistance responsibilities of the Access Board under this section, the Board may enter into an interagency agreement with another Federal department or agency.

"(B) Any funds appropriated to such a department or agency for the purpose of providing technical assistance may be transferred to the Access Board. Any funds appropriated to the Access Board for the purpose of providing such technical assistance may be transferred to such department or agency.

"(C) The Access Board may arrange to carry out the technical assistance responsibilities of the Board under this section through such other departments and agencies for such periods as the Board determines to be appropriate.

"(D) The Access Board shall establish a procedure to ensure separation of its compliance and technical assistance responsibilities under this section.

"(2) The departments"; and

(2) in the second sentence of paragraph (2) (as so designated by paragraph (1) of this subsection)—

(A) by striking "subsection" and inserting "paragraph";

(B) by striking "Secretary" and inserting "Chairperson"; and

(C) by striking "the daily pay rate for a person employed as a GS–18 under section 5332" and inserting "the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

(f) REPORT.—Section 502(g) (29 U.S.C. 792(g)) is amended—

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

(2) in paragraph (1) (as so designated by paragraph (1) of this subsection)—

(A) in the second sentence, by striking "clauses (5) and (6) of subsection (b) of this section" and inserting "paragraphs (8) and (9) of such subsection"; and

(B) by striking the third sentence and all that follows; and

(3) by adding at the end the following:

"(2) The Access Board shall, at the same time that the Access Board transmits the report required under section 7(b) of the Act commonly known as the Architectural Barriers Act of 1968 (42 U.S.C. 4157(b)), transmit the report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

(g) REPORT CONTAINING ASSESSMENT.—Section 502(h) (29 U.S.C. 792(h)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated by paragraph (2) of this subsection), by striking the second and third sentences; and

(4) by adding at the end the following paragraph:

"(2)(A) The Access Board may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding and facilitating the functions of the Access Board under paragraphs (5) and (7) of subsection (b). Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Chairperson. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States.

"(B) The Access Board shall publish regulations setting forth the criteria the Board will use in determining whether the acceptance of gifts, devises, and bequests of property, both real and personal, would reflect unfavorably upon the ability of the Board or any employee to carry out the responsibilities or official duties of the Board in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 502(i) (29 U.S.C. 792(i)) is amended by striking "fiscal years 1987 through 1992" and all that follows and inserting "fiscal years 1993 through 1997.".

SEC. 505. EMPLOYMENT UNDER FEDERAL CONTRACTS.

(a) CONTRACTS.—Section 503(a) (29 U.S.C. 793(a)) is amended—

(1) by striking "$2,500" each place the term appears and inserting "$10,000"; and

(2) in the first sentence, by striking ", in employing persons to carry out such contract,".

(b) WAIVER.—Section 503(c) (29 U.S.C. 793(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) The Secretary of Labor may waive the requirements of the affirmative action clause required by regulations promulgated under subsection (a) with respect to any of a prime contractor's or subcontractor's facilities that are found to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, if the Secretary of Labor also finds that such a waiver will not interfere with or impede the effectuation of this Act.

"(B) Such waivers shall be considered only upon the request of the contractor or subcontractor. The Secretary of Labor shall promulgate regulations that set forth the standards used for granting such a waiver.".

(c) STANDARDS AND PROCEDURES.—Section 503 (29 U.S.C. 793) is amended by adding at the end the following:

"(d) The standards used to determine whether this section has been violated in a complaint alleging nonaffirmative action employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to employment.

"(e) The Secretary shall develop procedures to ensure that administrative complaints filed under this section and under the Americans with Disabilities Act of 1990 are dealt with in a manner that avoids duplication of effort and prevents imposition of inconsistent or conflicting standards for the same requirements under this section and the Americans with Disabilities Act of 1990.".

SEC. 506. NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS.

Section 504 (29 U.S.C. 794) is amended by adding at the end the following new subsection:

"(d) The standards used to determine whether this section has been violated in a complaint alleging employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to employment.".

SEC. 507. SECRETARIAL RESPONSIBILITIES.

(a) ACCESS.—Subsections (a) and (c) of section 506 (29 U.S.C. 794b) are amended by inserting "Access" before "Board" each place the term appears.

(b) COMMUNITY REHABILITATION PROGRAMS.—Section 506(a)(1) (29 U.S.C. 794b(a)(1)) is amended by striking "rehabilitation facilities" and inserting "community rehabilitation programs".

(c) COMPENSATION.—Section 506(b) (29 U.S.C. 794b(b)) is amended by striking "the rate of basic pay payable for grade GS–18 of the General Schedule, under section 5332" and inserting "the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

(d) CONFORMING AMENDMENT.—Section 506(c) (29 U.S.C. 794b(c)) is amended by striking "502(h)(2)" and inserting "502(h)(1)".

SEC. 508. INTERAGENCY DISABILITY COORDINATING COUNCIL.

(a) IN GENERAL.—Section 507 (29 U.S.C. 794c) is amended to read as follows:

"SEC. 507. INTERAGENCY DISABILITY COORDINATING COUNCIL.

"(a) ESTABLISHMENT.—There is hereby established an Interagency Disability Coordinating Council (hereafter in this section referred to as the 'Council') composed of the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Attorney General, the Director of the Office of Personnel Management, the Chairperson of the Equal Employment Opportunity Commission, the Chairperson of the Architectural and Transportation Barriers Compliance Board, and such other officials as may be designated by the President.

"(b) DUTIES.—The Council shall—

"(1) have the responsibility for developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government responsible for the implementation and enforcement of the provisions of this title, and the regulations prescribed thereunder;

"(2) be responsible for developing and implementing agreements, policies, and practices designed to coordinate operations, functions, and jurisdictions of the various departments and agencies of the Federal Government responsible for promoting the full integration into society, independence, and productivity of individuals with disabilities; and

"(3) carry out such studies and other activities, subject to the availability of resources, with advice from the National Council on Disability, in order to identify methods for overcoming barriers to integration into society, independence, and productivity of individuals with disabilities.

"(c) REPORT.—On or before July 1 of each year, the Interagency Disability Coordinating Council shall prepare and submit to the President and to the Congress a report of the activities of the Council designed to promote and meet the employment needs of individuals with disabilities, together with such recommendations for legislative and administrative changes as the Council concludes are desirable to further promote this section, along with any comments submitted by the National Council on Disability as to the effectiveness of such activities and recommendations in meeting the needs of individuals with disabilities. Nothing in this section shall impair any responsibilities assigned by any Executive order to any Federal department, agency, or instrumentality to act as a lead Federal agency with respect to any provisions of this title.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by striking the item relating to section 507 and inserting the following item:

"Sec. 507. Interagency Disability Coordinating Council.".

SEC. 509. ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

(a) GUIDELINES.—Section 508 (29 U.S.C. 794d) is amended to read as follows:

"SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

"(a) GUIDELINES.—The Secretary, through the Director of the National Institute on Disability and Rehabilitation Research, and the Administrator of the General Services Administration, in consultation with the electronics and information technology industry and the Interagency Council on Accessible Technology, shall develop and establish guidelines for Federal agencies for electronic and information technology accessibility designed to ensure, regardless of the type of medium, that individuals with disabilities can produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of individuals who are not individuals with disabilities. Such guidelines shall be revised, as necessary, to reflect technological advances or changes.

"(b) COMPLIANCE.—Each Federal agency shall comply with the guidelines established under this section.".

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 508 and inserting the following:

"Sec. 508. Electronic and information technology accessibility guidelines.".

SEC. 510. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

(a) IN GENERAL.—Title V (29 U.S.C. 790 et seq.) is amended by adding at the end the following new section:

"SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

"(a) PURPOSE.—The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who—

"(1) are ineligible for client assistance programs under section 112; and

"(2) are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

"(b) APPROPRIATIONS LESS THAN $5,500,000.—

"(1) ALLOTMENTS.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).

"(2) OTHER JURISDICTIONS.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

"(c) APPROPRIATIONS OF $5,500,000 OR MORE.—

"(1) TECHNICAL ASSISTANCE.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $5,500,000, the Commissioner shall set aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide training and technical assistance to the systems established under this section.

"(2) ALLOTMENTS.—For any such fiscal year, after the reservation required by paragraph (1) has been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for such individuals.

"(3) SYSTEMS WITHIN STATES.—

"(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

"(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than $100,000 or one-third of one percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than $100,000 or one-third of one percent of such remainder shall be increased to the greater of the two amounts.

"(4) SYSTEMS WITHIN OTHER JURISDICTIONS.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

"(B) ALLOTMENT.—The eligible system within a jurisdiction described in subparagraph (A) shall be allotted not less than $50,000 for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(5) ADJUSTMENT FOR INFLATION.—

"(A) STATES.—For purposes of determining the minimum amount of an allotment under paragraph (3)(B), the amount $100,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

"(B) CERTAIN TERRITORIES.—For purposes of determining the minimum amount of an allotment under paragraph (4)(B), the amount $50,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

"(d) PROPORTIONAL REDUCTION.—Amounts necessary to provide allotments to systems within States in accordance with subsection (c)(3)(B) as increased under subsection (c)(5), or to provide allotments in accordance with subsection (c)(4)(B) as increased in accordance with subsection (c)(5), shall be derived by proportionately reducing the allotments of the remaining systems within States under subsection (c)(3), but with such adjustments as may be necessary to prevent the allotment of any such remaining systems within States from being thereby reduced to less than the greater of $100,000 or one-third of one percent of the sums made available for purposes of this section for the fiscal year for which the allotment is made, as increased in accordance with subsection (c)(5).

"(e) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

"(f) APPLICATION.—In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will—

"(1) have in effect a system to protect and advocate the rights of individuals with disabilities;

"(2) have the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.);

"(3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) or client assistance programs under section 112;

"(4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State;

"(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, their representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including—

"(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

"(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system; and

"(7) provide assurances to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided.

"(g) CARRYOVER AND DIRECT PAYMENT.—

"(1) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State involved under this section, unless the State provides otherwise.

"(2) CARRYOVER.—Any amount paid to a State for a fiscal year that remains unobligated at the end of such year shall remain available to such State for obligation during the next fiscal year for the purposes for which such amount was paid.

"(h) LIMITATION ON DISCLOSURE REQUIREMENTS.—For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

"(i) ELIGIBILITY FOR ASSISTANCE.—As used in this section, the term 'eligible system' means a protection and advocacy system that is established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and that meets the requirements of subsection (f).

"(j) ADMINISTRATIVE COST.—An eligible system may not use more than 5 percent of any allotment under subsection (c) for the cost of administration of the system required by this section.

"(k) DELEGATION.—The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

"(l) REPORT.—The Commissioner shall annually prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 508 the following item:

"Sec. 509. Protection and advocacy of individual rights.".

TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Subtitle A—Community Service Employment Pilot Program for Individuals With Disabilities

SEC. 601. PILOT PROGRAM.

(a) DEFINITION.—Section 611(a) (29 U.S.C. 795(a)) is amended by striking "section 7(8)" and inserting "section 7(8)(A)".

(b) PERSONAL ASSISTANCE SERVICES.—Section 611(b)(1)(K) (29 U.S.C. 795(b)(1)(K)) is amended by striking "attendant care" and inserting "personal assistance services".

SEC. 602. TREATMENT OF PERSONAL ASSISTANCE SERVICES COSTS.

Section 613(c) (29 U.S.C. 795b(c)) is amended by striking "attendant care" and inserting "personal assistance services".

SEC. 603. DEFINITIONS.

Section 616 (29 U.S.C. 795e) is amended—

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

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

(3) by striking paragraph (3).

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Section 617 (29 U.S.C. 795f) is amended by striking "1987" and all that follows and inserting "1993 through 1997.".

Subtitle B—Projects With Industry

SEC. 611. PROJECTS WITH INDUSTRY.

(a) IN GENERAL.—Section 621(a) (29 U.S.C. 795g(a)) is amended to read as follows:

"(a)(1) The purpose of this part is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process, to identify competitive job and career opportunities and the skills needed to perform such jobs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

"(2) The Commissioner, in consultation with the Secretaries of Labor and Commerce and with designated State units, may award grants to individual employers, community rehabilitation program providers, labor unions, trade associations, Indian tribes, tribal organizations, designated State units, and other entities to establish jointly financed Projects With Industry to create and expand job and career opportunities for individuals with disabilities, which projects shall—

"(A) provide for the establishment of business advisory councils, which shall—

"(i) be comprised of—

"(I) representatives of private industry, business concerns, and organized labor; and

"(II) individuals with disabilities and their representatives;

"(ii) identify job and career availability within the community;

"(iii) identify the skills necessary to perform the jobs and careers identified; and

"(iv) prescribe training programs designed to develop appropriate job and career skills for individuals with disabilities;

"(B) provide individuals with disabilities with training in realistic work settings in order to prepare the individuals for employment and career advancement in the competitive market;

"(C) provide job placement and career advancement services;

"(D) to the extent appropriate, provide for—

"(i) the development and modification of jobs and careers to accommodate the special needs of such individuals;

"(ii) the distribution of rehabilitation technology to such individuals; and

"(iii) the modification of any facilities or equipment of the employer that are used primarily by individuals with disabilities; and

"(E) provide individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training under this part.

"(3) An individual shall be eligible for services described in paragraph (2) if the appropriate designated State unit determines the individual to be an individual with a disability under section 7(8)(A) or an individual with a severe disability under section 7(15)(A). In making such a determination, the unit shall rely on the determination made by the recipient of the grant under which the services are provided, to the extent appropriate and available and consistent with the requirements under this Act. If a designated State unit does not notify a recipient of a grant within 60 days that the determination of the recipient is inappropriate, the recipient of the grant may consider the individual to be eligible.

"(4) The Commissioner shall enter into an agreement with the grant recipient regarding the establishment of the project. Any agreement shall be jointly developed by the Commissioner, the grant recipient, and, to the extent practicable, the appropriate designated State unit and the individuals with disabilities (or their representatives) involved. Such agreements shall specify the terms of training and employment under the project, provide for the payment by the Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain the items required under subsection (b) and such other provisions as the parties to the agreement consider to be appropriate.

"(5) Any agreement shall include a description of a plan to annually conduct a review and evaluation of the operation of the project in accordance with standards developed by the Commissioner under subsection (d), and, in conducting the review and evaluation, to collect information on—

"(A) the numbers and types of individuals with disabilities served;

"(B) the types of services provided;

"(C) the sources of funding;

"(D) the percentage of resources committed to each type of service provided;

"(E) the extent to which the employment status and earning power of individuals with disabilities changed following services;

"(F) the extent of capacity building activities, including collaboration with business and industry and other organizations, agencies, and institutions;

"(G) a comparison, if appropriate, of activities in prior years with activities in the most recent year; and

"(H) the number of project participants who were terminated from project placements and the duration of such placements.

"(6) The Commissioner may include, as part of agreements with grant recipients, authority for such grant recipients to provide technical assistance to—

"(A) assist employers in hiring individuals with disabilities; or

"(B) improve or develop relationships between—

"(i) grant recipients or prospective grant recipients; and

"(ii) employers or organized labor; or

"(C) assist employers in understanding and meeting the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) as the Act relates to employment of individuals with disabilities.".

(b) AGREEMENT.—Section 621(b) (29 U.S.C. 795g(b)) is amended to read as follows:

"(b) No payment shall be made by the Commissioner under any agreement with a grant recipient entered into under subsection (a) unless such agreement—

"(1) provides an assurance that individuals with disabilities placed under such agreement shall receive at least the applicable minimum wage;

"(2) provides an assurance that any individual with a disability placed under this part shall be afforded terms and benefits of employment equal to terms and benefits that are afforded to the similarly situated co-workers of the individual, and that such individuals with disabilities shall not be segregated from their co-workers; and

"(3) provides an assurance that an annual evaluation report containing information specified under subsection (a)(5) shall be submitted as determined to be appropriate by the Commissioner.".

(c) EVALUATION.—Section 621(d) (29 U.S.C. 795g(d)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

"(1) The Commissioner shall develop standards for the evaluation described in subsection (a)(5) and shall review and revise the evaluation standards as necessary, subject to paragraphs (2) and (3).

"(2) In revising the standards for evaluation to be used by the grant recipients, the Commissioner shall obtain and consider recommendations for such standards from State vocational rehabilitation agencies, current and former grant recipients, professional organizations representing business and industry, organizations representing individuals with disabilities, individuals served by grant recipients, organizations representing community rehabilitation program providers, and labor organizations."; and

(2) by redesignating paragraph (4) as paragraph (3).

(d) ADMINISTRATION.—Subsections (e) through (h) of section 621 (29 U.S.C. 795g) are amended to read as follows:

"(e)(1)(A) A grant may be awarded under this section for a period of up to 5 years and such grant may be renewed.

"(B) Grants under this section shall be awarded on a competitive basis. To be eligible to receive such a grant, a prospective grant recipient shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) The Commissioner shall to the extent practicable ensure an equitable distribution of payments made under this section among the States. To the extent funds are available, the Commissioner shall award grants under this section to new projects that will serve individuals with disabilities in States, portions of States, Indian tribes, or tribal organizations, that are currently unserved or underserved by projects.

"(f)(1) The Commissioner shall, as necessary, develop and publish in the Federal Register in final form indicators of what constitutes minimum compliance consistent with the evaluation standards under subsection (d)(1).

"(2) Each grant recipient shall report to the Commissioner at the end of each project year the extent to which the grant recipient is in compliance with the evaluation standards.

"(3)(A) The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of grant recipients. The Commissioner shall select grant recipients for review on a random basis.

"(B) The Commissioner shall use the indicators in determining compliance with the evaluation standards.

"(C) The Commissioner shall ensure that at least one member of a team conducting such a review shall be an individual who—

"(i) is not an employee of the Federal Government; and

"(ii) has experience or expertise in conducting projects.

"(D) The Commissioner shall ensure that—

"(i) a representative of the appropriate designated State unit shall participate in the review; and

"(ii) no person shall participate in the review of a grant recipient if—

"(I) the grant recipient provides any direct financial benefit to the reviewer; or

"(II) participation in the review would give the appearance of a conflict of interest.

"(4) In making a determination concerning any subsequent grant under this section, the Commissioner shall consider the past performance of the applicant, if applicable. The Commissioner shall use compliance indicators developed under this subsection that are consistent with program evaluation standards developed under subsection (d) to assess minimum project performance for purposes of making continuation awards in the third, fourth, and fifth years.

"(5) Each fiscal year the Commissioner shall include in the annual report to Congress required by section 13 an analysis of the extent to which grant recipients have complied with the evaluation standards. The Commissioner may identify individual grant recipients in the analysis. In addition, the Commissioner shall report the results of on-site compliance reviews, identifying individual grant recipients.

"(g) The Commissioner may provide, directly or by way of grant, contract, or cooperative agreement, technical assistance to—

"(1) entities conducting projects for the purpose of assisting such entities in—

"(A) the improvement of or the development of relationships with private industry or labor; or

"(B) the improvement of relationships with State vocational rehabilitation agencies; and

"(2) entities planning the development of new projects.

"(h) As used in this section:

"(1) The term 'agreement' means an agreement described in subsection (a)(4).

"(2) The term 'project' means a Project With Industry established under subsection (a)(2).

"(3) The term 'grant recipient' means a recipient of a grant under subsection (a)(2).".

(e) TECHNICAL AMENDMENT.—Section 621 (29 U.S.C. 795g) is amended by striking subsection (i).

SEC. 612. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Title VI (29 U.S.C. 795 et seq.) is amended—

(1) in the heading for part B, by striking "AND BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS";

(2) by redesignating section 622 as section 641;

(3) by inserting section 641 (as so redesignated) after section 638; and

(4) by inserting before such section 641 the following:

"PART D—BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 641 (as so redesignated by subsection (a)(2) of this section) is amended—

(1) by inserting "(a)" before "The Commissioner"; and

(2) by adding at the end the following:

"(b) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1993 through 1997 fiscal years.".

(c) TECHNICAL AMENDMENT.—The Act (29 U.S.C. 701 et seq.) is amended in the table of contents in the first section—

(1) by striking the item relating to the part heading for part B of title VI and inserting the following:

"PART B—PROJECTS WITH INDUSTRY";

(2) by striking the item relating to section 622; and

(3) by inserting after the item relating to section 638 the following:

"PART D—BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES".

"Sec. 641. Business opportunities for individuals with disabilities.".

SEC. 613. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title VI (29 U.S.C. 795 et seq.) is amended—

(1) by redesignating section 623 as section 622; and

(2) in section 622 (29 U.S.C. 795i) (as so redesignated by paragraph (1) of this subsection) by striking "section 621, $16,070,000" and all that follows and inserting "this part, such sums as may be necessary for each of fiscal years 1993 through 1997.".

(b) TABLE OF CONTENTS.—The table of contents relating to title VI is amended by inserting after the item relating to section 621 the following:

"Sec. 622. Authorization of appropriations.".

Subtitle C—Supported Employment Services for Individuals With Severe Disabilities

SEC. 621. SUPPORTED EMPLOYMENT.

(a) PROGRAM.—Title VI is amended by striking part C (29 U.S.C. 795j et seq.) and inserting the following:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE DISABILITIES

"SEC. 631. PURPOSE.

"It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation services under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most severe disabilities who require supported employment services to enter or retain competitive employment.

"SEC. 632. ALLOTMENTS.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary shall allot the sums appropriated for each fiscal year to carry out this part among the States on the basis of relative population of each State, except that—

"(A) no State shall receive less than $250,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater; and

"(B) if the sums appropriated to carry out this part for the fiscal year exceed by $1,000,000 or more the sums appropriated to carry out this part in fiscal year 1992, no State shall receive less than $300,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater.

"(2) CERTAIN TERRITORIES.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

"(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts appropriated for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(b) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

"SEC. 633. AVAILABILITY OF SERVICES.

"Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part. Funds provided under this part, title I, or subsection (c) or (f) of section 311 may not be used to provide extended services to individuals who are eligible under this part or title I.

"SEC. 634. ELIGIBILITY.

"An individual shall be eligible under this part to receive supported employment services authorized under this Act if—

"(1) the individual is eligible for vocational rehabilitation services;

"(2) the individual is determined to be an individual with the most severe disabilities; and

"(3) a comprehensive assessment of rehabilitation needs of the individual provided under section 102(b)(1)(A), including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate rehabilitation objective for the individual.

"SEC. 635. STATE PLAN.

"(a) STATE PLAN SUPPLEMENTS.—To be eligible for an allotment under this part, a State shall submit to the Commissioner, as part of the State plan under section 101, a State plan supplement for providing supported employment services authorized under this Act to individuals who are eligible under this Act to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

"(b) CONTENTS.—Each such plan supplement shall—

"(1) designate each agency that the State designated under section 101(a)(1) as the agency to administer the program assisted under this part;

"(2) summarize the results of the comprehensive, statewide assessment conducted under section 101(a)(5), with respect to the rehabilitation and career needs of individuals with severe disabilities and the need for supported employment services, including needs related to coordination and use of information within the State relating to section 618(b)(1)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1418(b)(1)(C));

"(3) describe the quality, scope, and extent of supported employment services authorized under this Act to be provided to individuals who are eligible under this Act to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 632;

"(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

"(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

"(6) provide assurances that—

"(A) funds made available under this part will only be used to provide supported employment services authorized under this Act to individuals who are eligible under this part to receive the services;

"(B) that the comprehensive assessments of individuals with severe disabilities conducted under section 102(b)(1)(A) and funded under title I will include consideration of supported employment as an appropriate rehabilitation objective;

"(C) an individualized written rehabilitation program, as required by section 102, will be developed and updated using funds under title I in order to—

"(i) specify the supported employment services to be provided;

"(ii) specify the expected extended services needed; and

"(iii) identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized written rehabilitation program is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;

"(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized written rehabilitation program;

"(E) services provided under an individualized written rehabilitation program will be coordinated with services provided under other individualized plans established under other Federal or State programs;

"(F) to the extent jobs skills training is provided, the training will be provided on-site; and

"(G) supported employment services will include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, interests, concerns, abilities, and capabilities of individuals with the most severe disabilities;

"(7) provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and

"(8) contain such other information and be submitted in such manner as the Commissioner may require.

"SEC. 636. RESTRICTION.

"Each State agency designated under section 635(b)(1) shall collect the client information required by section 13 separately for supported employment clients under this part and for supported employment clients under title I.

"SEC. 637. SAVINGS PROVISION.

"(a) SUPPORTED EMPLOYMENT SERVICES.—Nothing in this Act shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110.

"(b) POSTEMPLOYMENT SERVICES.—Nothing in this part shall be construed to prohibit a State from providing discrete postemployment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110 to an individual who is eligible under this part.

"SEC. 638. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 1993 through 1997.".

(b) TABLE OF CONTENTS.—The table of contents relating to title VI is amended by striking the items relating to part C and inserting the following:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE DISABILITIES

"Sec. 631. Purpose.
"Sec. 632. Allotments.
"Sec. 633. Availability of services.
"Sec. 634. Eligibility.
"Sec. 635. State plan.
"Sec. 636. Restriction.
"Sec. 637. Savings provision.
"Sec. 638. Authorization of appropriations.".

TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

SEC. 701. SERVICES AND CENTERS.

The Act is amended—

(1) by striking title VII (29 U.S.C. 796 et seq.); and

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

"TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

"CHAPTER 1—INDIVIDUALS WITH SEVERE DISABILITIES

"PART A—GENERAL PROVISIONS

"SEC. 701. PURPOSE.

"The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by—

"(1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

"(2) providing financial assistance to develop and support statewide networks of centers for independent living; and

"(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under part C of title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal programs, and programs funded through non-Federal sources.

"SEC. 702. DEFINITIONS.

"As used in this chapter:

"(1) CENTER FOR INDEPENDENT LIVING.—The term 'center for independent living' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that—

"(A) is designed and operated within a local community by individuals with disabilities; and

"(B) provides an array of independent living services.

"(2) CONSUMER CONTROL.—The term 'consumer control' means, with respect to an entity, that the entity vests power and authority in individuals with disabilities.

"SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.

"Services may be provided under this chapter to any individual with a severe disability, as defined in section 7(15)(B).

"SEC. 704. STATE PLAN.

"(a) IN GENERAL.—

"(1) REQUIREMENT.—To be eligible to receive financial assistance under this chapter, a State shall submit to the Commissioner, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, the provisions required in this section.

"(2) JOINT DEVELOPMENT.—The plan under paragraph (1) shall be jointly developed and signed by—

"(A) the director of the designated State unit; and

"(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

"(3) PERIODIC REVIEW AND REVISION.—The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

"(A) the provision of State independent living services;

"(B) the development and support of a statewide network of centers for independent living; and

"(C) working relationships between—

"(i) programs providing independent living services and independent living centers; and

"(ii) the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities.

"(4) DATE OF SUBMISSION.—The State shall submit the plan to the Commissioner 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Commissioner may withhold financial assistance under this chapter until such time as the State submits such a plan.

"(b) STATEWIDE INDEPENDENT LIVING COUNCIL.—The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 705.

"(c) DESIGNATION OF STATE UNIT.—The plan shall designate the designated State unit of such State as the agency that, on behalf of the State, shall—

"(1) receive, account for, and disburse funds received by the State under this chapter based on the plan;

"(2) provide administrative support services for programs under parts B and C;

"(3) keep such records and afford such access to such records as the Commissioner finds to be necessary with respect to the programs; and

"(4) submit such additional information or provide such assurances as the Commissioner may require with respect to the programs.

"(d) OBJECTIVES.—The plan shall—

"(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

"(2) explain how such objectives are consistent with and further the purpose of this chapter.

"(e) INDEPENDENT LIVING SERVICES.—The plan shall provide that the State will provide independent living services under this chapter to individuals with severe disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

"(f) SCOPE AND ARRANGEMENTS.—The plan shall describe the extent and scope of independent living services to be provided under this chapter to meet such objectives. If the State makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

"(g) NETWORK.—The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 725.

"(h) CENTERS.—In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under part C, as provided in section 723, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 723.

"(i) COOPERATION, COORDINATION, AND WORKING RELATIONSHIPS AMONG VARIOUS ENTITIES.—The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among—

"(1) the independent living rehabilitation service program, the Statewide Independent Living Council, and centers for independent living; and

"(2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

"(j) COORDINATION OF SERVICES.—The plan shall describe how services funded under this chapter will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

"(k) COORDINATION BETWEEN FEDERAL AND STATE SOURCES.—The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

"(l) OUTREACH.—With respect to services and centers funded under this chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

"(m) REQUIREMENTS.—The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will—

"(1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, the purposes of the services provided under such program, and how to contact such program;

"(2) take affirmative action to employ and advance in employment qualified individuals with

disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of section 503;

"(3) adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this chapter;

"(4)(A) maintain records that fully disclose—

"(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

"(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and

"(iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

"(B) maintain such other records as the Commissioner determines to be appropriate to facilitate an effective audit;

"(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

"(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

"(5) provide access to the Commissioner and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

"(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

"(n) EVALUATION.—The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

"SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.

"(a) ESTABLISHMENT.—To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the 'Council'). The Council shall not be established as an entity within another State agency.

"(b) COMPOSITION AND APPOINTMENT.—

"(1) APPOINTMENT.—Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments, within 90 days after the date of enactment of the Rehabilitation Act Amendments of 1992. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

"(2) COMPOSITION.—The Council shall include—

"(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State; and

"(B) as ex officio, nonvoting members—

"(i) a representative from the designated State unit; and

"(ii) representatives from other State agencies that provide services for individuals with disabilities.

"(3) ADDITIONAL MEMBERS.—The Council may include—

"(A) other representatives from centers for independent living;

"(B) parents and guardians of individuals with disabilities;

"(C) advocates of and for individuals with disabilities;

"(D) representatives from private businesses;

"(E) representatives from organizations that provide services for individuals with disabilities; and

"(F) other appropriate individuals.

"(4) QUALIFICATIONS.—The Council shall be composed of members—

"(A) who provide statewide representation;

"(B) who represent a broad range of individuals with disabilities;

"(C) who are knowledgeable about centers for independent living and independent living services; and

"(D) a majority of whom are persons who are—

"(i) individuals with disabilities described in section 7(8)(B); and

"(ii) not employed by any State agency or center for independent living.

"(5) CHAIRPERSON.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

"(B) DESIGNATION BY GOVERNOR.—In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

"(6) TERMS OF APPOINTMENT.—

"(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of 3 years, except that—

"(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(B) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms.

"(7) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

"(c) DUTIES.—The Council shall—

"(1) jointly develop and submit (in conjunction with the designated State agency) the State plan required in section 704;

"(2) monitor, review, and evaluate the implementation of the State plan;

"(3) coordinate activities with the State Rehabilitation Advisory Council established under section 105 and councils that address the needs of specific disability populations and issues under other Federal law;

"(4) ensure that all regularly scheduled meetings of the Council are open to the public and sufficient advance notice is provided; and

"(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

"(d) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"(e) PLAN.—

"(1) IN GENERAL.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under this section, with funds made available under this chapter and part C of title I and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

"(2) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

"(3) CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

"(f) COMPENSATION AND EXPENSES.—The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

"(g) USE OF EXISTING COUNCILS.—To the extent that a State has established a Council before September 30, 1992, that is comparable to the Council described in this section, such Council shall be considered to be in compliance with this section. Within 1 year after the date of enactment of the Rehabilitation Act Amendments of 1992, such State shall establish a Council that complies in full with this section.

"SEC. 706. RESPONSIBILITIES OF THE COMMISSIONER.

"(a) APPROVAL OF STATE PLANS.—

"(1) IN GENERAL.—The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan that does not meet such requirements, as soon as practicable after receiving the plan. Prior to such disapproval, the Commissioner shall notify the State of the intention to disapprove the plan, and shall afford such State reasonable notice and opportunity for a hearing.

"(2) PROCEDURES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of subsections (c) and (d) of section 107 shall apply to any State plan submitted to the Commissioner under section 704.

"(B) APPLICATION.—For purposes of the application described in subparagraph (A), all references in such provisions—

"(i) to the Secretary shall be deemed to be references to the Commissioner; and

"(ii) to section 101 shall be deemed to be references to section 704.

"(b) INDICATORS.—Not later than October 1, 1993, the Commissioner shall develop and publish in the Federal Register indicators of minimum compliance consistent with the standards set forth in section 725.

"(c) ON-SITE COMPLIANCE REVIEWS.—

"(1) REVIEWS.—The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of the centers for independent living that receive funds under part C and shall periodically conduct such a review of each such center. The Commissioner shall select such centers for review on a random basis.

"(2) QUALIFICATIONS OF EMPLOYEES CONDUCTING REVIEWS.—The Commissioner shall—

"(A) to the maximum extent practicable, carry out such a review by using employees of the Department who are knowledgeable about the provision of independent living services;

"(B) ensure that the employee of the Department with responsibility for supervising such a review shall have such knowledge; and

"(C) ensure that at least one member of a team conducting such a review shall be an individual who—

"(i) is not a government employee; and

"(ii) has experience in the operation of centers for independent living.

"(d) REPORTS.—The Commissioner shall include, in the annual report required under sec-

tion 13, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Commissioner may identify individual centers for independent living in the analysis. The Commissioner shall report the results of on-site compliance reviews, identifying individual centers for independent living and other recipients of assistance under this chapter.

"PART B—INDEPENDENT LIVING SERVICES

"SEC. 711. ALLOTMENTS.

"(a) IN GENERAL.—

"(1) STATES.—

"(A) POPULATION BASIS.—Except as provided in subparagraphs (B) and (C), from sums appropriated for each fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such sums as the population of the State bears to the population of all States.

"(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of an allotment made to the State for fiscal year 1992 under part A of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

"(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part, and except as provided in subparagraph (B), the allotment to any State under subparagraph (A) shall be not less than $275,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $275,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts.

"(2) CERTAIN TERRITORIES.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

"(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(3) ADJUSTMENT FOR INFLATION.—For purposes of determining the minimum amount of an allotment under paragraph (1)(C), the amount $275,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

"(b) PROPORTIONAL REDUCTION.—Subject to subsection (a)(1)(B), amounts necessary to provide allotments to States in accordance with subsection (a)(1)(B), or in accordance with subsection (a)(1)(C) as increased under subsection (a)(3), or to provide allotments under subsection (a)(2)(B), shall be derived by proportionately reducing the allotments of the remaining States under subsection (a)(1), but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than the greater of $275,000 or one-third of one percent of the sums made available for purposes of this part for the fiscal year for which the allotment is made, as increased in accordance with subsection (a)(3).

"(c) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State in carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

"SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.

"(a) PAYMENTS.—From the allotment of each State for a fiscal year under section 711, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 706. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 706.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project that receives assistance through an allotment under this part may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(3) DETERMINATION.—For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision of such State shall, subject to regulations prescribed by the Commissioner, be regarded as expenditures by such State.

"SEC. 713. AUTHORIZED USES OF FUNDS.

"The State may use funds received under this part to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, and may use funds received under this part—

"(1) to provide independent living services to individuals with severe disabilities;

"(2) to demonstrate ways to expand and improve independent living services;

"(3) to support the operation of centers for independent living;

"(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

"(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

"(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

"(7) to provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

"SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.

"PART C—CENTERS FOR INDEPENDENT LIVING

"SEC. 721. PROGRAM AUTHORIZATION.

"(a) IN GENERAL.—From the funds appropriated for fiscal year 1994 and for each subsequent fiscal year to carry out this part, the Commissioner shall allot such sums as may be necessary to States and other entities in accordance with subsections (b) through (d).

"(b) TRAINING.—

"(1) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year in which the funds appropriated to carry out this part exceed the funds appropriated to carry out this part for fiscal year 1993, the Commissioner shall first reserve from such excess, to provide training and technical assistance for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of such funds.

"(2) ALLOCATION.—From the funds reserved under paragraph (1), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities who have experience in the operation of centers for independent living to provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living.

"(3) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of Statewide Independent Living Councils and centers for independent living regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, and other arrangements.

"(4) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this subsection, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

"(5) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this subsection may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.

"(c) IN GENERAL.—

"(1) STATES.—

"(A) POPULATION BASIS.—Except as provided in subparagraphs (B) and (C) and after the reservation required by subsection (b) has been made, from the remainder of the amounts appropriated for each such fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

"(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living in the State for fiscal year 1992 under part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

"(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part and except as provided in subparagraph (B), for a fiscal

year in which the amounts appropriated to carry out this part exceed the amounts appropriated for fiscal year 1992 to carry out part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992—

"(i) if such excess is not less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $450,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $450,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts;

"(ii) if such excess is not less than $4,000,000 and is less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $400,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $400,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts; and

"(iii) if such excess is less than $4,000,000, the allotment to any State under subparagraph (A) shall approach, as nearly as possible, the greater of the two amounts described in clause (ii).

"(2) CERTAIN TERRITORIES.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

"(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the remainder for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(C) by such percentage change in the Consumer Price Index For All Urban Consumers.

"(d) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

"(e) TRANSITION RULES.—

"(1) RESERVATION.—

"(A) FISCAL YEAR 1993.—For fiscal year 1993, the Commissioner shall first reserve from the funds appropriated to carry out this part, not less than 1.8 percent, and not more than 2 percent, of such funds, whichever is greater, for training, technical assistance, and transition assistance, to centers for independent living.

"(B) TRAINING AND TECHNICAL ASSISTANCE.—From the funds reserved under subparagraph (A), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities who have experience in the operation of centers for independent living, to—

"(i) provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living; and

"(ii) provide such transition assistance to assist the centers with efforts to achieve compliance with the standards and assurances set forth in this part.

"(C) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this paragraph, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training, technical assistance, and transition assistance and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of such proposals by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

"(D) PROHIBITION ON COMBINED FUNDS.—An entity that receives funds under this paragraph shall comply with subsection (b)(5) with respect to the funds.

"(2) IN GENERAL.—

"(A) GRANTS.—After the reservation required by paragraph (1) has been made, and from the remainder of the funds appropriated for fiscal year 1993 to carry out this part, the Secretary is authorized to make grants to eligible agencies described in subparagraph (B) to operate centers for independent living.

"(B) AGENCIES.—

"(i) FISCAL YEAR 1992 RECIPIENTS.—Private nonprofit agencies that received funding directly or through subgrants or contracts under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, in fiscal year 1992 shall receive assistance under this part for fiscal year 1993 if the agencies submit applications that demonstrate to the satisfaction of the Commissioner that as of October 1, 1993 such agencies will meet the standards described in section 725(b) and that contain the assurances described in section 725(c). In determining whether a center meets the standards described in section 725(b), the Commissioner will look for information that shows how the center will meet each standard. The Commissioner shall consider any data on past performance that is provided by the agency that shows how the center has been meeting the standards.

"(ii) OTHER AGENCIES.—Private nonprofit agencies that did not receive assistance under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, in fiscal year 1992 may receive assistance under this part for fiscal year 1993 if the agencies submit satisfactory applications for fiscal year 1993. In determining whether an application is satisfactory, the Secretary shall use the criteria for selection of centers specified in section 722(d)(2)(B).

"(C) PRIORITY.—The Secretary may not award funds to a private nonprofit agency that did not receive assistance under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, in fiscal year 1992 until the Secretary has funded all agencies within each State that received such funding and have submitted applications described in subparagraph (B)(i) for fiscal year 1993.

"SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Unless the director of a designated State unit awards grants under section 723 to eligible agencies in a State for a fiscal year, the Commissioner shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

"(2) GRANTS.—The Commissioner shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

"(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the Commissioner may make a grant under this section to any eligible agency that—

"(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

"(2) is determined by the Commissioner to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 725; and

"(3) submits an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the Commissioner shall award grants to any eligible agency that is receiving funds under this part on September 30, 1993, unless the Commissioner makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 725.

"(d) NEW CENTERS FOR INDEPENDENT LIVING.—

"(1) IN GENERAL.—If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Commissioner may award a grant under this section to the most qualified applicant, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

"(2) SELECTION.—In selecting from among applicants for a grant under this section for a new center for independent living, the Commissioner—

"(A) shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;

"(B) shall consider the ability of each such applicant to operate a center for independent living based on—

"(i) evidence of the need for such a center;

"(ii) any past performance of such applicant in providing services comparable to independent living services;

"(iii) the plan for satisfying or demonstrated success in satisfying the standards and the assurances set forth in section 725;

"(iv) the quality of key personnel and the involvement of individuals with severe disabilities;

"(v) budgets and cost-effectiveness;

"(vi) an evaluation plan; and

"(vii) the ability of such applicant to carry out the plans; and

"(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs,

consistent with the provisions of the State plan submitted under section 704 regarding establishment of a statewide network of centers for independent living.

"(3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B (or part A as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992) for a fiscal year for the general operation of the center shall be eligible for a grant for the subsequent fiscal year under this subsection.

"(e) ORDER OF PRIORITIES.—The Commissioner shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

"(1) The Commissioner shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

"(2) The Commissioner shall provide for a cost-of-living increase for such existing centers for independent living.

"(3) The Commissioner shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

"(f) REVIEW.—

"(1) IN GENERAL.—The Commissioner shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Commissioner determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Commissioner shall immediately notify such center that it is out of compliance.

"(2) ENFORCEMENT.—The Commissioner shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Commissioner.

"SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—

"(A) INITIAL YEAR.—

"(i) DETERMINATION.—Beginning on October 1, 1993, the director of a designated State unit, as provided in paragraph (2), or the Commissioner, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Commissioner determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this part equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

"(ii) GRANTS.—The director or the Commissioner, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

"(iii) REGULATION.—The Commissioner shall by regulation specify the preceding fiscal year with respect to which the Commissioner will make the determinations described in clause (i) and subparagraph (B).

"(B) SUBSEQUENT YEARS.—For each year subsequent to the initial fiscal year described in subparagraph (A), the director of the designated State unit shall continue to have the authority to award such grants under this section if the Commissioner determines that the State continues to earmark the amount of State funds described in subparagraph (A)(i). If the State does not continue to earmark such an amount for a fiscal year, the State shall be ineligible to make grants under this section after a final year following such fiscal year, as defined in accordance with regulations established by the Commissioner, and for each subsequent fiscal year.

"(2) GRANTS BY DESIGNATED STATE UNITS.—In order for the designated State unit to be eligible to award the grants described in paragraph (1) and carry out this section for a fiscal year with respect to a State, the designated State agency shall submit an application to the Commissioner at such time, and in such manner as the Commissioner may require, including information about the amount of State funds described in paragraph (1) for the preceding fiscal year. If the Commissioner makes a determination described in subparagraph (A)(i) or (B), as appropriate, of paragraph (1), the Commissioner shall approve the application and designate the director of the designated State unit to award the grant and carry out this section.

"(3) GRANTS BY COMMISSIONER.—If the designated State agency of a State described in paragraph (1) does not submit and obtain approval of an application under paragraph (2), the Commissioner shall award the grant described in paragraph (1) to the State in accordance with section 722.

"(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the director of the designated State unit may award a grant under this section to any eligible agency that—

"(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

"(2) is determined by the director to be able to plan, conduct, administer, and evaluate a center for independent living, consistent with the standards and assurances set forth in section 725; and

"(3) submits an application to the director at such time, in such manner, and containing such information as the head of the designated State unit may require.

"(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the director of the designated State unit shall award grants under this section to any eligible agency that is receiving funds under this part on September 30, 1993, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725.

"(d) NEW CENTERS FOR INDEPENDENT LIVING.—

"(1) IN GENERAL.—If there is no center for independent living serving a region of the State or the region is unserved or underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the director of the designated State unit may award a grant under this section from among eligible agencies, consistent with the provisions of the State plan under section 704 setting forth the design of the State for establishing a statewide network of centers for independent living.

"(2) SELECTION.—In selecting from among eligible agencies in awarding a grant under this part for a new center for independent living—

"(A) the director of the designated State unit and the chairperson of, or other individual designated by, the Statewide Independent Living Council acting on behalf of and at the direction of the Council, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in section 725 and criteria jointly established by such director and such chairperson or individual;

"(B) the peer review committee shall consider the ability of each such applicant to operate a center for independent living, and shall recommend an applicant to receive a grant under this section, based on—

"(i) evidence of the need for a center for independent living, consistent with the State plan;

"(ii) any past performance of such applicant in providing services comparable to independent living services;

"(iii) the plan for complying with, or demonstrated success in complying with, the standards and the assurances set forth in section 725;

"(iv) the quality of key personnel of the applicant and the involvement of individuals with severe disabilities by the applicant;

"(v) the budgets and cost-effectiveness of the applicant;

"(vi) the evaluation plan of the applicant; and

"(vii) the ability of such applicant to carry out the plans; and

"(C) the director of the designated State unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

"(3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B (or part A as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992) for a fiscal year for the general operation of the center shall be eligible for a grant for the subsequent fiscal year under this subsection.

"(e) ORDER OF PRIORITIES.—Unless the director of the designated State unit and the chairperson of the Council or other individual designated by the Council acting on behalf of and at the direction of the Council jointly agree on another order of priority, the director shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

"(1) The director of the designated State unit shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

"(2) The director of the designated State unit shall provide for a cost-of-living increase for such existing centers for independent living.

"(3) The director of the designated State unit shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

"(f) REVIEW.—

"(1) IN GENERAL.—The director of the designated State unit shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the director of the designated State unit determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the director of the designated State unit shall immediately notify such center that it is out of compliance.

"(2) ENFORCEMENT.—The director of the designated State unit shall terminate all funds under this section to such center 90 days after—

"(A) the date of such notification; or

"(B) in the case of a center that requests an appeal under subsection (h), the date of any final decision under subsection (h),

unless the center submits a plan to achieve compliance within 90 days and such plan is approved by the director, or if appealed, by the Commissioner.

"(g) ON-SITE COMPLIANCE REVIEW.—The director of the designated State unit shall conduct on-site compliance review of centers for independent living. Each team that conducts on-site compliance review of centers for independent living shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers for independent living, and who is jointly selected by the director of the designated State unit and the chairperson of or other individual designated by the Council acting on behalf of and at the direction of the Council. A copy of this review shall be provided to the Commissioner.

"(h) ADVERSE ACTIONS.—If the director of the designated State unit proposes to take a significant adverse action against a center for independent living, the center may seek mediation and conciliation to be provided by an individual or individuals who are free of conflicts of interest identified by the chairperson of or other individual designated by the Council. If the issue is not resolved through the mediation and conciliation, the center may appeal the proposed adverse action to the Commissioner for a final decision.

"SEC. 724. CENTERS OPERATED BY STATE AGENCIES.

"(a) FISCAL YEAR 1993.—

"(1) IN GENERAL.—Notwithstanding section 702(1), if—

"(A) no nonprofit private agency—

"(i) submits an acceptable application to operate a center for independent living for fiscal year 1993 before a date specified by the Commissioner; and

"(ii) obtains approval of the application under section 722 or 723; and

"(B) a State directly operated such a center in fiscal year 1992 with funds provided under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992,

the State may apply to the Commissioner for assistance under section 721(e)(2) for the conduct, administration, and evaluation of such a center.

"(2) COMPLIANCE.—A State that receives assistance with respect to a center in accordance with paragraph (1) shall ensure that the center shall comply with all of the requirements of this part, other than the requirement that the center be a private nonprofit agency.

"(b) FISCAL YEAR 1994 AND SUCCEEDING FISCAL YEARS.—A State that receives assistance for fiscal year 1993 with respect to a center in accordance with subsection (a) may continue to receive assistance under this part for fiscal year 1994 or a succeeding fiscal year if, for such fiscal year—

"(1) no nonprofit private agency—

"(A) submits an acceptable application to operate a center for independent living for fiscal year 1993 before a date specified by the Commissioner; and

"(B) obtains approval of the application under section 722 or 723; or

"(2) after funding all applications so submitted and approved, the Commissioner determines that funds remain available to provide such assistance.

"SEC. 725. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

"(a) IN GENERAL.—Each center for independent living that receives assistance under this part shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of providing assistance effectively and efficiently.

"(b) STANDARDS.—

"(1) PHILOSOPHY.—The center shall promote and practice the independent living philosophy of—

"(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

"(B) self-help and self-advocacy;

"(C) development of peer relationships and peer role models; and

"(D) equal access of individuals with severe disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

"(2) PROVISION OF SERVICES.—The center shall provide services to individuals with a range of severe disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of severe disabilities, including individuals with disabilities who are members of populations that are unserved or underserved by programs under this Act). Eligibility for services at any center for independent living shall not be based on the presence of any one or more specific severe disabilities.

"(3) INDEPENDENT LIVING GOALS.—The center shall facilitate the development and achievement of independent living goals selected by individuals with severe disabilities who seek such assistance by the center.

"(4) COMMUNITY OPTIONS.—The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with severe disabilities.

"(5) INDEPENDENT LIVING CORE SERVICES.—The center shall provide independent living core services and, as appropriate, a combination of any other independent living services specified in section 7(30)(B).

"(6) ACTIVITIES TO INCREASE COMMUNITY CAPACITY.—The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with severe disabilities.

"(7) RESOURCE DEVELOPMENT ACTIVITIES.—The center shall conduct resource development activities to obtain funding from sources other than this chapter.

"(c) ASSURANCES.—The eligible agency shall provide at such time and in such manner as the Commissioner may require, such satisfactory assurances as the Commissioner may require, including satisfactory assurances that—

"(1) the applicant is an eligible agency;

"(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with severe disabilities;

"(3) the applicant will comply with the standards set forth in subsection (b);

"(4) the applicant will establish clear priorities through annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 704;

"(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with severe disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503;

"(6) the applicant will ensure that the majority of the staff, and individuals in decisionmaking positions, of the applicant are individuals with disabilities;

"(7) the applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit;

"(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum—

"(A) the extent to which the center is in compliance with the standards;

"(B) the number and types of individuals with severe disabilities receiving services through the center;

"(C) the types of services provided through the center and the number of individuals with severe disabilities receiving each type of service;

"(D) the sources and amounts of funding for the operation of the center;

"(E) the number of individuals with severe disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and

"(F) a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;

"(9) individuals with severe disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;

"(10) aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with severe disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;

"(11) staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;

"(12) the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);

"(13) the center will prepare and submit a report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information regarding the extent to which the center is in compliance with the standards set forth in subsection (b); and

"(14) an independent living plan described in section 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

"SEC. 726. DEFINITIONS.

"As used in this part, the term 'eligible agency' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

"SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.".

SEC. 702. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) CENTERS FOR INDEPENDENT LIVING.—The provisions of part C of chapter 1 of title VII of the Rehabilitation Act of 1973 (as added by section 701 of this Act), shall not apply with respect to fiscal year 1992 for programs receiving assistance under part B of such chapter, as in effect on the day before the date of enactment of this Act. The provisions of such part B shall continue to apply for such programs with respect to fiscal year 1992.

(c) STATE PLAN.—The Secretary of Education shall implement the provisions of section 704 of the Rehabilitation Act of 1973 (as amended by section 701 of this Act), as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), but not later than October 1, 1993.

SEC. 703. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

(a) SERVICES.—Title VII (29 U.S.C. 796 et seq.) is amended by adding at the end the following:

"CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

"SEC. 751. DEFINITION.

"For purposes of this chapter, the term 'older individual who is blind' means an individual age 55 or older whose severe visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

"SEC. 752. PROGRAM OF GRANTS.

"(a) IN GENERAL.—

"(1) AUTHORITY FOR GRANTS.—Subject to subsections (b) and (c), the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) to older individuals who are blind.

"(2) DESIGNATED STATE UNIT.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be administered solely by the agency described in section 101(a)(1)(A)(i).

"(b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1994, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants under subsection (a) shall be discretionary grants made on a competitive basis to States.

"(c) CONTINGENT FORMULA GRANTS.—

"(1) IN GENERAL.—In the case of any fiscal year for which the amount appropriated under section 753 is equal to or greater than $13,000,000, grants under subsection (a) shall be made only to States and shall be made only from allotments under paragraph (2).

"(2) ALLOTMENTS.—For grants under subsection (a) for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (j), and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (i).

"(d) SERVICES GENERALLY.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for purposes of—

"(1) providing independent living services to older individuals who are blind;

"(2) conducting activities that will improve or expand services for such individuals; and

"(3) conducting activities to help improve public understanding of the problems of such individuals.

"(e) INDEPENDENT LIVING SERVICES.—Independent living services for purposes of subsection (d)(1) include—

"(1) services to help correct blindness, such as—

"(A) outreach services;

"(B) visual screening;

"(C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

"(D) hospitalization related to such services;

"(2) the provision of eyeglasses and other visual aids;

"(3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

"(4) mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

"(5) guide services, reader services, and transportation;

"(6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;

"(7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

"(8) other independent living services, as defined in section 7(30).

"(f) MATCHING FUNDS.—

"(1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $9 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(g) CERTAIN EXPENDITURES OF GRANTS.—A State may expend a grant under subsection (a) to carry out the purposes specified in subsection (d) through grants to public and nonprofit private agencies or organizations.

"(h) REQUIREMENT REGARDING STATE PLAN.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that, in carrying out subsection (d)(1), the State will seek to incorporate into the State plan under section 704 any new methods and approaches relating to independent living services for older individuals who are blind.

"(i) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless an application for the grant is submitted to the Commissioner and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (j)(4)).

"(2) CONTENTS.—An application for a grant under this section shall contain—

"(A) an assurance that the designated State unit described in subsection (a)(2) will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the designated State unit operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on—

"(i) the number and types of older individuals who are blind and are receiving services;

"(ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;

"(iii) the sources and amounts of funding for the operation of each project or program;

"(iv) the amounts and percentages of resources committed to each type of service provided;

"(v) data on actions taken to employ, and advance in employment, qualified individuals with severe disabilities, including older individuals who are blind; and

"(vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year;

"(B) an assurance that the designated State unit will—

"(i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and

"(ii) engage in—

"(I) capacity-building activities, including collaboration with other agencies and organizations;

"(II) activities to promote community awareness, involvement, and assistance; and

"(III) outreach efforts; and

"(C) an assurance that the application is consistent with the State plan for providing independent living services required by section 704.

"(j) AMOUNT OF FORMULA GRANT.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the amount of an allotment under subsection (a) for a State for a fiscal year shall be the greater of—

"(A) the amount determined under paragraph (2); and

"(B) the amount determined under paragraph (3).

"(2) MINIMUM ALLOTMENT.—

"(A) STATES.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of—

"(i) $225,000; and

"(ii) an amount equal to one-third of one percent of the amount appropriated under section 753 for the fiscal year and available for allotments under subsection (a).

"(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is $40,000, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(3) FORMULA.—The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

"(A) the amount appropriated under section 753 and available for allotments under subsection (a); and

"(B) a percentage equal to the quotient of—

"(i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by

"(ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

"(4) DISPOSITION OF CERTAIN AMOUNTS.—

"(A) GRANTS.—From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) relative to the populations in other States of older individuals who are blind.

"(B) AMOUNTS.—The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) as a result of—

"(i) the failure of any State to submit an application under subsection (i);

"(ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or

"(iii) any State informing the Commissioner that the State does not intend to expend the full amount of the allotment made for the State under subsection (a).

"(C) CONDITIONS.—The Commissioner may not make a grant under subparagraph (A) unless the State involved agrees that the grant is subject to the same conditions as grants made under subsection (a).

"SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1993 through 1997.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by striking the items relating to title VII and inserting the following:

"TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

"CHAPTER 1—INDIVIDUALS WITH SEVERE DISABILITIES

"PART A—GENERAL PROVISIONS

"Sec. 701. Purpose.
"Sec. 702. Definitions.
"Sec. 703. Eligibility for receipt of services.
"Sec. 704. State plan.
"Sec. 705. Statewide Independent Living Council.
"Sec. 706. Responsibilities of the Commissioner.

"PART B—INDEPENDENT LIVING SERVICES

"Sec. 711. Allotments.
"Sec. 712. Payments to States from allotments.
"Sec. 713. Authorized uses of funds.
"Sec. 714. Authorization of appropriations.

"PART C—CENTERS FOR INDEPENDENT LIVING

"Sec. 721. Program authorization.
"Sec. 722. Grants to centers for independent living in States in which Federal funding exceeds State funding.
"Sec. 723. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
"Sec. 724. Centers operated by State agencies.
"Sec. 725. Standards and assurances for centers for independent living.
"Sec. 726. Definitions.
"Sec. 727. Authorization of appropriations.

"CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

"Sec. 751. Definition.
"Sec. 751. Program of grants.
"Sec. 752. Authorization of appropriations.".

TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

SEC. 801. SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS.

(a) IN GENERAL.—The Act (29 U.S.C. 701 et seq.) is amended by adding at the end the following title:

"TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

"SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEMONSTRATION PROJECTS.—There are authorized to be appropriated to carry out section 802, such sums as may be necessary for each of the fiscal years 1993 through 1997.

"(b) TRAINING INITIATIVES.—There are authorized to be appropriated to carry out section 803, such sums as may be necessary for each of the fiscal years 1993 through 1997.

"SEC. 802. DEMONSTRATION ACTIVITIES.

"(a) TRANSPORTATION SERVICES GRANTS.—

"(1) GRANTS.—The Commissioner shall make grants to States and to public or nonprofit agencies and organizations for the purpose of providing transportation services to individuals with disabilities who—

"(A)(i) are employed or seeking employment; or

"(ii) are receiving vocational rehabilitation services from public or private organizations; and

"(B) reside in geographic areas in which fixed route public transportation or comparable paratransit service is not available.

"(2) USE OF GRANT.—The Commissioner may make a grant under this subsection only if the applicant involved agrees that transportation services under this subsection will be provided on a regular and continuing basis between—

"(A) the home of the individual; and

"(B) the place of employment of the individual, the place where the individual is seeking employment, or the place where the individual is receiving vocational rehabilitation services.

"(3) CHARGES.—The Commissioner may make a grant under paragraph (1) only if the applicant involved agrees that, in providing transportation services under this subsection—

"(A) a charge for the transportation will be imposed on each employed eligible individual who uses the transportation; and

"(B) the amount of the charge for an instance of use of the transportation for the distance involved will be in a fair and reasonable amount that is consistent with fees for comparable services in comparable geographic areas.

"(4) REPORT.—The Commissioner may make a grant under this subsection only if the applicant involved agrees to prepare and submit to the Commissioner, not later than December 31 of the fiscal year following the fiscal year for which the grant is made, a report containing—

"(A) a description of the goals of the program carried out with the grant;

"(B) a description of the activities and services provided under the program;

"(C) a description of the number of eligible individuals served under the program;

"(D) a description of methods used to ensure that the program serves the eligible individuals most in need of the transportation services provided under the program; and

"(E) such additional information as the Commissioner may require.

"(5) CONSTRUCTION.—Nothing in this subsection may be construed as limiting the rights or responsibilities of any individual under any other provision of this Act, under the Americans with Disabilities Act of 1990, or under any other provision of law.

"(b) PROJECTS TO ACHIEVE HIGH QUALITY PLACEMENTS.—

"(1) SPECIAL PROJECTS AND DEMONSTRATIONS.—The Commissioner shall make grants to public or nonprofit community rehabilitation programs, designated State units, and other public or nonprofit agencies and organizations to pay for the cost of developing special projects and demonstrations related to vocational rehabilitation outcomes. Such projects and demonstrations may include activities providing alternatives to case closure practice and identifying and implementing appropriate incentives to vocational rehabilitation counselors to achieve high quality placements for individuals with the most severe disabilities.

"(2) CERTAIN REQUIREMENTS.—Each recipient of such a grant shall—

"(A) identify, develop, and test exemplary models that can be replicated; and

"(B) identify innovative methods, such as weighted case closures, to evaluate the performance of vocational rehabilitation counselors that in no way impede the accomplishment of the purposes and policy of serving, among others, those individuals with the most severe disabilities.

"(c) EARLY INTERVENTION DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall make grants to public or nonprofit agencies and organizations to carry out demonstration programs designed to demonstrate the utility of early intervention in furnishing vocational evaluation, training, and counseling services to working adults recently determined to have chronic and progressive diseases that may be severely disabling, such as multiple sclerosis.

"(2) GRANT ACTIVITIES.—In carrying out a demonstration program under paragraph (1), an eligible entity shall conduct a program intended to demonstrate the effectiveness of such early intervention in improving the job retention of the working adults or in facilitating the entry of the working adults to new careers and employment. The demonstration program shall test a number of alternative service systems, including an employer assistance program, a system involving early intervention by State vocational rehabilitation agencies, and a private nonprofit agency joint venture with an employer or State vocational rehabilitation agency.

"(d) TRANSITION DEMONSTRATION PROJECTS.—

"(1) GRANTS.—The Commissioner may make grants to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstration projects to support models for providing community-based, coordinated services to facilitate the transition of individuals with disabilities from rehabilitation hospital or nursing home programs or comparable programs, to programs providing independent living services in the community, including services such as personal assistance services, health maintenance services, counseling, and social and vocational services.

"(2) APPLICATION.—To be eligible to receive a grant under this subsection, 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 require.

"(3) EVALUATION.—An agency or organization that receives a grant under this subsection shall evaluate the effectiveness of such models and prepare and submit to the Commissioner a report containing the evaluation.

"(e) BARRIERS TO SUCCESSFUL REHABILITATION OUTCOMES FOR MINORITIES.—The Commissioner may award grants to public or nonprofit agencies and organizations—

"(1) to conduct a study to examine the factors that have created barriers to successful rehabilitation outcomes for individuals with disabilities from minority backgrounds, and develop and evaluate policy, research, and training strategies for overcoming the barriers;

"(2) to conduct a study to examine the factors that have created significant under- representation of individuals from minority backgrounds in the rehabilitation professions, including such underrepresentation among researchers, and develop and evaluate policy, research, and training strategies for overcoming the underrepresentation; and

"(3) to conduct a study to examine the factors that have created barriers to successful rehabilitation outcomes for individuals with neurological or other related disorders, and examine how the hidden or episodic nature of the disability affects eligibility and the provision of services.

"(f) STUDIES, SPECIAL PROJECTS, AND DEMONSTRATION PROJECTS TO STUDY MANAGEMENT AND SERVICE DELIVERY.—

"(1) GRANTS.—The Commissioner may make grants to public or nonprofit agencies and organizations to pay part or all of the costs of conducting studies, special projects, or demonstra-

tion projects relating to the management and service delivery systems of the vocational rehabilitation programs authorized under this Act.

"(2) APPLICATION.—To be eligible to receive a grant under this subsection, 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 require.

"(g) DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.—

"(1) GRANTS.—The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

"(2) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the grant only—

"(A) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

"(B) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects;

"(3) APPLICATION.—Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

"(A) a description of—

"(i) how the applicant intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

"(ii) how the applicant intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

"(iii) the outreach activities to be conducted by the applicant to obtain eligible clients; and

"(B) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

"(i) a statement of the vocational rehabilitation goals to be achieved;

"(ii) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

"(iii) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

"(4) AWARD OF GRANTS.—In selecting entities to receive grants under paragraph (1), the Commissioner shall take into consideration the—

"(A) diversity of strategies used to increase client choice, including selection among qualified service providers;

"(B) geographic distribution of projects; and

"(C) diversity of clients to be served.

"(5) RECORDS.—Entities that receive grants under paragraph (1) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

"(6) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under this subsection shall be used for direct services, as specifically chosen by eligible clients.

"(7) EVALUATION.—The Commissioner shall conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this subsection for the fiscal year.

"(8) DEFINITIONS.—For the purposes of this subsection:

"(A) DIRECT SERVICES.—The term 'direct services' means vocational rehabilitation services, as described in section 103(a).

"(B) ELIGIBLE CLIENT.—The term 'eligible client' means an individual with a disability, as defined in section 7(8)(A), who is not currently receiving services under an individualized written rehabilitation program established through a designated State unit.

"(h) NATIONAL COMMISSION ON REHABILITATION SERVICES.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Subject to the availability of appropriations, there is hereby established a National Commission on Rehabilitation Services (referred to in this section as the 'National Commission') for the purpose of studying the nature, quality, and adequacy of vocational rehabilitation, independent living, supported employment, research, training, and other programs authorized under this Act, and submitting to the President and to Congress recommendations that will further the successful employment outcomes, independence, and integration of individuals with disabilities into the workplace and community.

"(B) COMPOSITION.—

"(i) QUALIFICATIONS.—The National Commission shall consist of 15 members who are recognized by knowledge, experience, and education as experts in the field of rehabilitation. At least a majority of the members of the National Commission shall be individuals with disabilities representing a cross-section of individuals with different types of disabilities.

"(ii) APPOINTMENT.—Members of the National Commission shall be appointed as follows:

"(I) PRESIDENTIAL APPOINTEES.—Five members shall be appointed by the President, or, if the President delegates the authority to make the appointment, by the Secretary of Education.

"(II) SENATE APPOINTEES.—Five members shall be appointed by the president pro tempore of the Senate, with the advice and approval of the Majority Leader and Minority Leader of the Senate.

"(III) HOUSE OF REPRESENTATIVES APPOINTEES.—Five members shall be appointed by the Speaker of the House of Representatives with the advice and approval of the Majority Leader and Minority Leader of the House of Representatives.

"(C) TERM.—Members shall be appointed for the life of the National Commission.

"(D) VACANCIES.—Any vacancy in the National Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(E) CHAIRPERSON.—The National Commission shall select a Chairperson from among its members.

"(F) MEETINGS.—The National Commission shall meet at the call of the Chairperson, but not less often than four times each year.

"(G) QUORUM.—Ten members of the National Commission shall constitute a quorum.

"(H) COMMITTEES.—The Chairperson, upon approval by the National Commission, may establish such committees as the Chairperson determines to be necessary to fulfill the duties of the National Commission.

"(2) DUTIES.—

"(A) STUDIES AND ANALYSES.—The National Commission shall conduct studies and analyses with respect to—

"(i) the effectiveness of vocational rehabilitation and independent living services in enhancing the employment outcomes of individuals with disabilities;

"(ii) the adequacy of research and training activities in fostering innovative approaches that further the employment of individuals with disabilities;

"(iii) the capacity of supported employment and independent living services in promoting the integration of individuals with disabilities into the workplace and community;

"(iv) methods for enhancing access to services authorized under this Act by minorities who are individuals with disabilities and individuals with disabilities who are members of populations that have traditionally been unserved or underserved by programs under this Act that provide such vocational rehabilitation services and independent living services;

"(v) means for enhancing interagency coordination among Federal and State agencies to promote the maximization of employment-related programs, services, and benefits on behalf of individuals with disabilities; and

"(vi) such other issues as the National Commission may identify as relevant to promoting the employment, independence, and integration of individuals with disabilities.

"(B) POLICY ANALYSES.—The National Commission shall conduct policy analyses to—

"(i) develop options for improving fiscal equity in the allotment of grants under section 110;

"(ii) provide guidance on implementing the order of selection described in section 101(a)(5)(A); and

"(iii) address the shortage of rehabilitation professionals.

"(C) REPORTS.—

"(i) INTERIM REPORT.—Not later than January 30, 1995, the National Commission shall prepare and issue a comprehensive interim report to the President, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, containing the results of the studies and analyses described in subparagraphs (A) and (B) and specific recommendations for amendments to this Act needed to promote the provision of comprehensive vocational rehabilitation and independent living services on behalf of individuals with disabilities.

"(ii) FINAL REPORT.—Not later than January 30, 1997, the National Commission shall prepare and issue a comprehensive final report to the President, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, containing the results and recommendations described in clause (i).

"(3) POWERS.—

"(A) HEARINGS.—The National Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the National Commission determines to be necessary to carry out its functions.

"(B) INFORMATION.—

"(i) FEDERAL ENTITIES.—The National Commission may secure directly from any Federal department or agency such information (including statistics) as the National Commission considers necessary to carry out the functions of the National Commission. Upon request of the Chairperson of the National Commission, the head of such department or agency shall furnish such information to the National Commission.

"(ii) OTHER ENTITIES.—The National Commission may secure, directly or by contract or other means, such additional information as the National Commission determines to be necessary from universities, research institutions, foundations, State and local agencies, and other public or private agencies.

"(C) CONSULTATION.—The National Commission is authorized to consult with—

"(i) any organization representing individuals with disabilities;

"(ii) public or private service providers;

"(iii) Federal, State, and local agencies;

"(iv) individual experts;

"(v) institutions of higher education involved in the preparation of vocational rehabilitation services personnel; and

"(vi) such other entities and persons as will aid the National Commission in carrying out its duties.

"(4) COMPENSATION AND TRAVEL EXPENSES.—

"(A) COMPENSATION.—Each member of the National Commission who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the National Commission. Members of the National Commission who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

"(B) TRAVEL EXPENSES.—Each member of the National Commission may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(5) STAFF.—

"(A) APPOINTMENT.—

"(i) STAFF DIRECTOR.—The Chairperson of the National Commission may, without regard to provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate a staff director of the National Commission. The employment of the staff director shall be subject to confirmation by the National Commission. The staff director shall be appointed from among individuals who are experienced in the planning, administration, or operation of vocational rehabilitation and independent living services or programs.

"(ii) ADDITIONAL PERSONNEL.—The staff director of the National Commission may, without regard to provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate such additional personnel as may be necessary, but not more than ten full-time equivalent positions, to enable the National Commission to carry out its duties.

"(B) COMPENSATION.—The Chairperson of the National Commission may fix the compensation of the staff director, and the staff director may fix the compensation of the additional personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, except that the rate of pay for the staff director and other personnel may not exceed the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code.

"(6) COOPERATION.—The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the national commission in carrying out its duties. The National Commission may utilize the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement, upon the consent of the heads of such agencies.

"(7) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the National Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(8) TERMINATION.—The National Commission shall terminate not later than 90 days following the submission of the final report as described in paragraph (2)(C)(ii).

"(i) MODEL PERSONAL ASSISTANCE SERVICES SYSTEMS.—The Commissioner may award grants to public or nonprofit agencies and organizations to establish model personal assistance services systems and other innovative service programs to maximize the full inclusion and integration into society, employment, independent living, and economic and social self-sufficiency of individuals with disabilities.

"(j) DEMONSTRATION PROJECTS TO UPGRADE WORKER SKILLS.—

"(1) GRANTS.—Consistent with the purposes of section 621, the Commissioner may make grants to partnerships or consortia that include private business concerns or industries to pay for the Federal share of developing and carrying out model demonstration projects for workers with disabilities who need new or upgraded skills to adapt to emerging technologies, work methods, and markets and to ensure that such individuals possess the knowledge and skills necessary to compete in the workplace.

"(2) PERIOD.—Grants made under this subsection shall be for 3-year periods.

"(3) APPLICATION.—Any partnership or consortia desiring to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

"(A) information identifying at least one member of the partnership or consortium that is a private business concern or industry; and

"(B) assurances that—

"(i) each member of the eligible partnership or consortium will pay a portion of the non-Federal share of the cost of developing and carrying out the project;

"(ii) the partnership or consortium will carry out all of the activities described in subparagraphs (A) through (E) of section 621(a)(2);

"(iii) the partnership or consortium will disseminate information on the model program conducted;

"(iv) the partnership or consortium will utilize, if available, job skill standards established jointly by management and labor to assist in evaluating the job skills of an individual and assessing the skills that are needed for the individual to compete in the workplace;

"(v) the partnership or consortium will prepare and submit an evaluation report containing data specified by the Commissioner at the end of each project year; and

"(vi) the partnership or consortium will take such steps as are necessary to continue the activities of the project after the period for which Federal assistance is sought.

"(4) DEFINITION.—For the purposes of this subsection, the term 'workers with disabilities' shall mean individuals with disabilities who are working in competitive employment and who need new or upgraded skills to improve their employment and career advancement opportunities.

"(k) MODEL SYSTEMS REGARDING SEVERE DISABILITIES.—The Commissioner may award grants to public or nonprofit agencies and organizations to establish model systems of comprehensive service delivery to individuals with severe disabilities, other than spinal cord injuries, requiring a multidisciplinary system of providing vocational and other rehabilitation services, where the Commissioner determines that the development of such systems is needed.

"SEC. 803. TRAINING ACTIVITIES.

"(a) DISTANCE LEARNING THROUGH TELECOMMUNICATIONS.—

"(1) GRANTS.—The Commissioner shall award at least three grants to eligible institutions of higher education, to support the formation of regional partnerships with other public or private entities for the purpose of developing and implementing in-service training programs, including certificate or degree granting programs concerning vocational rehabilitation services and related services, for vocational rehabilitation professionals through the use of telecommunications.

"(2) APPLICATIONS.—Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

"(A) a detailed explanation of how the applicant will utilize interactive audio, video, and computer technologies between distant locations to provide in-service training programs to the region;

"(B) a description of how the applicant intends to utilize and build upon existing telecommunications networks within the region to be served;

"(C) a copy of all agreements governing the division of functions within the partnership, including an assurance that all States within the region will be served;

"(D) a copy of a binding commitment entered into between the partnership and each entity that is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, that stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area to be served within a reasonable time and at a charge that is in accordance with State law;

"(E) a description of the curriculum to be provided, frequency of providing service, and sites of service;

"(F) a description of the need to purchase or lease—

"(i) computer hardware and software;

"(ii) audio and video equipment;

"(iii) telecommunications terminal equipment; or

"(iv) interactive video equipment;

"(G) an assurance that the partnership will use not less than 75 percent of the amount of the grant for instructional curriculum development and programming; and

"(H) a description of the means by which the project will be evaluated.

"(3) AWARD OF GRANTS.—In awarding grants under paragraph (1), the Commissioner shall take into consideration the sparsity of State populations in the region to be served.

"(4) DEFINITIONS.—For the purposes of this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means any institution of higher education with demonstrated experience in the area of continuing education for vocational rehabilitation personnel.

"(B) INTERACTIVE VIDEO EQUIPMENT.—The term 'interactive video equipment' means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

"(C) REGION.—The term 'region' means one of the ten regions served by the Rehabilitation Services Administration.

"(D) REHABILITATION PROFESSIONALS.—The term 'rehabilitation professionals' means personnel described in section 301(a)(1).

"(b) BRAILLE TRAINING PROJECTS.—

"(1) ESTABLISHMENT.—The Commissioner shall make grants to and enter into contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay all or part of the cost of training in the use of Braille for personnel

providing vocational rehabilitation services or educational services to youth and adults who are blind.

"(2) PROJECTS.—Such grants shall be used for the establishment or continuation of projects that may provide—

"(A) development of Braille training materials; and

"(B) in-service or pre-service training in the use of Braille and methods of teaching Braille to youth and adults who are blind.

"(3) APPLICATION.—To be eligible to receive a grant, or enter into a contract, under paragraph (1), 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 require.

"(c) PARENT INFORMATION AND TRAINING PROGRAMS.—

"(1) GRANTS.—The Commissioner is authorized to make grants through a separate competition to private nonprofit organizations for the purpose of establishing programs to provide training and information to enable individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals to participate more effectively with professionals in meeting the vocational and rehabilitation needs of individuals with disabilities. Such grants shall be designed to meet the unique training and information needs of individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals, who live in the area to be served, particularly those who are members of populations that have been unserved or underserved by programs under this Act.

"(2) USE OF GRANTS.—An organization that recieves a grant to establish training and information programs under this subsection shall use the grant to assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals to—

"(A) better understand vocational rehabilitation and independent living programs and services;

"(B) provide followup support for transition and employment programs;

"(C) communicate more effectively with transition and rehabilitation personnel and other relevant professionals;

"(D) provide support in the development of the individualized written rehabilitation program;

"(E) provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and

"(F) understand the provisions of this Act, particularly provisions relating to employment, supported employment, and independent living.

"(3) AWARD OF GRANTS.—The Commissioner shall ensure that grants under this subsection shall—

"(A) be distributed geographically to the greatest extent possible throughout all States; and

"(B) be targeted to individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, in both urban and rural areas or on a State or regional basis.

"(4) ELIGIBLE ORGANIZATIONS.—In order to receive a grant under this subsection, a private nonprofit organization shall—

"(A) submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating the capacity and expertise of the organization to—

"(i) coordinate and work closely with parent training and information centers established under section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431); and

"(ii) effectively conduct the training and information activities authorized under this subsection;

"(B)(i) be governed by a board of directors—

"(I) that includes professionals in the field of vocational rehabilitation; and

"(II) on which a majority of the members are individuals with disabilities or the parents, family members, guardians, advocates, or authorized representatives of the individuals; or

"(ii)(I) have a membership that represents the interests of individuals with disabilities; and

"(II) establish a special governing committee that meets the requirements specified in subclauses (I) and (II) of clause (i) to operate a training and information program under this subsection; and

"(C) serve individuals with a full range of disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

"(5) CONSULTATION.—Each private nonprofit organization carrying out a program receiving assistance under this subsection shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the program.

"(6) COORDINATION.—The Commissioner shall provide coordination and technical assistance by grant or cooperative agreement for establishing, developing, and coordinating the training and information programs. To the extent practicable, such assistance shall be provided by the parent training and information centers established under section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431).

"(7) REVIEW.—

"(A) QUARTERLY REVIEW.—The board of directors or special governing committee of a nonprofit private organization receiving a grant under this subsection shall meet at least once in each calendar quarter to review the training and information program, and each such committee shall directly advise the governing board regarding the views and recommendations of the committee.

"(B) REVIEW FOR GRANT RENEWAL.—If a nonprofit private organization requests the renewal of a grant under this subsection, the board of directors or the special governing committee shall prepare and submit to the Commissioner a written review of the training and information program conducted by the nonprofit private organization during the preceding fiscal year.

"(d) TRAINING REGARDING IMPARTIAL HEARING OFFICERS.—The Commissioner may award grants to public or nonprofit agencies and organizations to provide training designed to provide impartial hearing officers with the skills necessary to fairly decide appeals under this Act.

"(e) RECRUITMENT AND RETENTION OF URBAN PERSONNEL.—The Commissioner may award grants to public or nonprofit agencies and organizations to develop and demonstrate innovative methods to attract and retain professionals to serve in urban areas in the rehabilitation of individuals with disabilities, including individuals with severe disabilities.

"(f) CERTAIN REQUIREMENTS.—The requirements of subsections (a) (except the first sentence), (b), and (c), of section 302, and paragraphs (1) and (2) of subsection (g) of such section, shall apply with respect to grants made available under this section, other than subsection (c). The requirements of section 306 shall apply with respect to grants made available under this section.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by adding at the end the following:

"TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

"Sec. 801. Authorization of appropriations.
"Sec. 802. Demonstration activities.
"Sec. 803. Training activities.".

TITLE IX—AMENDMENTS TO OTHER ACTS

Subtitle A—Helen Keller National Center

SEC. 901. CONGRESSIONAL FINDINGS.

Section 202 of the Helen Keller National Center Act (29 U.S.C. 1901) is amended—

(1) in paragraph (2), by inserting ", the rapidly increasing number of older persons many of whom are experiencing significant losses of both vision and hearing," after "1960's"; and

(2) in paragraph (5), by striking "invested approximately $10,000,000" and inserting "made a substantial investment".

SEC. 902. CONTINUED OPERATION OF CENTER.

Section 203 of the Helen Keller National Center Act (29 U.S.C. 1902) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) in subsection (a) (as so redesignated by paragraph (2))—

(A) by striking "pursuant to section 313 of the Rehabilitation Act of 1973" and inserting "prior to the date of enactment of this Act"; and

(B) by striking "(c)" and inserting "(b)"; and

(4) in subsection (b) (as so redesignated by paragraph (2))—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

"(2) train family members of individuals who are deaf-blind at the Center or anywhere else in the United States, in order to assist family members in providing and obtaining appropriate services for the individual who is deaf-blind;".

SEC. 903. AUDIT, MONITORING, AND EVALUATION.

Section 204 of the Helen Keller National Center Act (29 U.S.C. 1903) is amended in subsection (a) by striking "at such time as the Secretary shall prescribe" and inserting "within 15 days following the completion of the audit and acceptance of the audit by the Center".

SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Helen Keller National Center Act (29 U.S.C. 1904) is amended in subsection (a) by striking "1987 through 1992" and inserting "1993 through 1997".

SEC. 905. DEFINITIONS.

Section 206 of the Helen Keller National Center Act (29 U.S.C. 1905) is amended—

(1) in paragraph (1), by striking "section 313 of the Rehabilitation Act of 1973 and continued under"; and

(2) in paragraph (2), to read as follows:

"(2) the term 'individual who is deaf-blind' means any individual—

"(A)(i) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both these conditions;

"(ii) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and

"(iii) for whom the combination of impairments described in clauses (i) and (ii) cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation;

"(B) who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and perform-

ance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives; or

"(C) meets such other requirements as the Secretary may prescribe by regulation; and".

SEC. 906. CONSTRUCTION OF ACT, EFFECT ON AGREEMENTS.

Section 207 of the Helen Keller National Center Act (29 U.S.C. 1906) is amended by striking "Industrial Home for the Blind, Incorporated" and inserting "Helen Keller Services for the Blind, Incorporated".

SEC. 907. ESTABLISHMENT OF A PROGRAM.

The Helen Keller National Center Act (29 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 208. HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary and the Board of Directors of the Helen Keller National Center are authorized to establish the Helen Keller National Center Federal Endowment Fund (hereafter in this section referred to as the 'Endowment Fund') in accordance with the provisions of this section, to promote the financial independence of the Helen Keller National Center. The Secretary and the Board may enter into such agreements as may be necessary to carry out the purposes of this section.

"(b) FEDERAL PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make payments to the Endowment Fund from amounts appropriated pursuant to subsection (h), consistent with the provisions of this section.

"(2) AMOUNT OF PAYMENT.—Subject to the availability of appropriations, the Secretary shall make payments to the Endowment Fund in amounts equal to sums contributed to the Endowment Fund from non-Federal sources (excluding transfers from other endowment funds of the Center).

"(c) INVESTMENTS.—

"(1) IN GENERAL.—The Center, in investing the Endowment Fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

"(2) LIMITATIONS.—

"(A) FEDERALLY INSURED INVESTMENTS AND OTHER INVESTMENTS.—The Endowment Fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State of New York.

"(B) REAL ESTATE.—The Endowment Fund corpus and income may not be invested in real estate.

"(C) CONFLICT OF INTEREST.—The Endowment Fund corpus or income may not be invested in instruments or securities issued by an organization in which an executive officer is a controlling shareholder, director, or owner within the meaning of Federal securities laws and other applicable laws.

"(D) ENCUMBRANCES.—The Center may not assign, hypothecate, encumber, or create a lien on the Endowment Fund corpus without specific written authorization of the Secretary.

"(d) WITHDRAWALS AND EXPENDITURES.—

"(1) IN GENERAL.—For a 20-year period following the receipt of a payment under this section, the Center shall not withdraw or expend the Federal payment or matching contribution made to the Endowment Fund corpus. On the expiration of such period, the Center may use the Endowment Fund corpus plus any of the Endowment Fund income for any purpose that benefits individuals who are deaf-blind.

"(2) OPERATIONAL AND COMMERCIAL EXPENSES.—

"(A) IN GENERAL.—The Helen Keller National Center may withdraw or expend the Endowment Fund income for any expenses necessary for the operation of the Center, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and client services programs, technical assistance, and research.

"(B) LIMITATION.—The Center may not withdraw or expend the Endowment Fund income for any commercial purpose.

"(3) LIMITATIONS AND WAIVER OF LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Center shall not withdraw or expend more than 50 percent of the total aggregate Endowment Fund income earned prior to the time of withdrawal or expenditure.

"(B) EXCEPTION.—The Secretary may permit the Center to withdraw or expend more than 50 percent of its total aggregate endowment income where the Center demonstrates to the Secretary's satisfaction that such withdrawal or expenditure is necessary because of—

"(i) a financial emergency, such as a pending insolvency or temporary liquidity problem;

"(ii) a life-threatening situation occasioned by a natural disaster or arson; or

"(iii) another unusual occurrence or exigent circumstance.

"(e) REPORTING REQUIREMENTS.—

"(1) FINANCIAL RECORDS.—The Helen Keller National Center shall keep accurate financial records relating to the operation of the Endowment Fund.

"(2) AUDIT AND REPORT.—

"(A) AUDIT.—The Center shall arrange for the conduct of an annual financial and compliance audit of the Endowment Fund in the manner prescribed by the Secretary pursuant to section 204(a) (29 U.S.C. 1903(a)).

"(B) REPORT.—The Center shall submit a copy of the report on the audit required under subparagraph (A) to the Secretary within 15 days after completion of the audit and acceptance of the audit by the Center.

"(3) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Center shall provide to the Secretary an annual report on the uses of funds provided by the Federal endowment program authorized under this section. Such report shall contain such information, and be in such form as the Secretary may require.

"(f) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments made under this section if the Helen Keller National Center—

"(1) makes a withdrawal or expenditure from the Endowment Fund corpus or income which is not consistent with the provisions of this section;

"(2) fails to comply with the investment standards and limitations under this section; or

"(3) fails to account properly to the Secretary concerning the investment of or expenditures from the Endowment Fund corpus or income.

"(g) DEFINITIONS.—For the purposes of this section:

"(1) ENDOWMENT FUND.—The term 'endowment fund' means a fund, or a tax-exempt foundation, established and maintained by the Helen Keller National Center for the purpose of generating income for the support of the Center.

"(2) ENDOWMENT FUND CORPUS.—The term 'Endowment Fund corpus' means an amount equal to the Federal payments made to the Endowment Fund and amounts contributed to the Endowment Fund from non-Federal sources.

"(3) ENDOWMENT FUND INCOME.—The term 'Endowment Fund income' means an amount equal to the total market value of the Endowment Fund minus the Endowment Fund corpus.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1993 through 1997. Such sums shall remain available until expended.".

SEC. 908. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEAF-BLIND INDIVIDUALS.—Paragraphs (1) through (4) of section 202, and section 203(b)(3) (as so redesignated by paragraphs (2) and (4)(A) of section 902), of the Helen Keller National Center Act (29 U.S.C. 1901 and 1902(b)(3)) are amended by striking "deaf-blind individuals" each place the term appears and inserting "individuals who are deaf-blind".

(b) DEAF-BLIND INDIVIDUAL.—Section 203(b)(1) of such Act (29 U.S.C. 1902(b)(1)) (as so redesignated by section 902(2)) is amended by striking "deaf-blind individual" and inserting "individual who is deaf-blind".

(c) DEAF-BLIND YOUTHS AND ADULTS.—

(1) Sections 202(4), 203(a) (as so redesignated by section 902(2)), and 206(1) of such Act (29 U.S.C. 1901(4), 1902(a), and 1905(1)) are amended by striking "Deaf-Blind Youths and Adults" each place the term appears and inserting "Youths and Adults who are Deaf-Blind".

(2) Section 203 of such Act (29 U.S.C. 1902) is amended in the section heading by striking "DEAF-BLIND YOUTHS AND ADULTS" and inserting "YOUTHS AND ADULTS WHO ARE DEAF-BLIND".

Subtitle B—Other Programs

SEC. 911. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.

(a) WAGNER-O'DAY ACT.—Section 1 of the Act entitled "An Act to Create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46) is amended by striking "from the Blind and Other Severely Handicapped" and inserting "From People Who Are Blind and Severely Disabled".

(b) SMALL BUSINESS ACT.—Section 15(c)(1)(A) of the Small Business Act (15 U.S.C. 644(c)(1)(A)) is amended by striking " from the Blind and Other Severely Handicapped" and inserting " From People Who Are Blind or Severely Disabled".

SEC. 912. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) TRAINING OR RETRAINING.—Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by adding at the end thereof the following new paragraph:

"(8) In making grants under paragraph (1), the Secretary may provide for the training or retraining of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, to meet the communications needs of such individuals.".

(b) NOTICE.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Education shall issue a Notice of Inquiry concerning the definition of the term "serious emotional disturbance" as used in the Individuals with Disabilities Education Act.

(2) PUBLIC COMMENT.—The Secretary of Education shall provide a public comment period of at least 90 days and shall request and consider—

(A) comments from the public on the need to revise the definition of the term in the regulations implementing such Act; and

(B) comments from the public on whether the term as used in such Act should be changed and

on whether the substitution of the term "emotional and behavioral disorders" would be appropriate, or whether some other term should be used.

(3) DEFINITION.—The Notice of Inquiry shall contain the following proposed definition for use in the regulations implementing such Act:

"(1) As used in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)):

"(A) The term 'serious emotional disturbance' means a disability that is—

"(i) characterized by behavioral or emotional response in school programs so different from appropriate age, cultural, or ethnic norms that the responses adversely affect educational performance, including academic, social, vocational or personal skills;

"(ii) more than a temporary, expected response to stressful events in the environment;

"(iii) consistently exhibited in two different settings, at least one of which is school-related; and

"(iv) unresponsive to direct intervention applied in general education, or the condition of a child is such that general education interventions would be insufficient.

"(B) The term includes such a disability that co-exists with other disabilities.

"(C) The term includes a schizophrenic disorder, affective disorder, anxiety disorder, or other sustained disorder of conduct or adjustment, affecting a child, if the disorder affects educational performance as described in paragraph (1).

"(2) The term 'seriously emotionally disturbed' means, with respect to a child, that the child has a serious emotional disturbance.".

(4) REPORT.—The Secretary shall, within 10 months after the date of enactment of this Act, prepare a report containing a summary of the public comments described in paragraph (2)(B) received as a result of the Notice of Inquiry, and recommendations concerning whether such Act should be amended. The report shall be submitted to the appropriate committees of Congress, including the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and the Subcommittee on Disability Policy of the Committee on Labor and Human Resources of the Senate.

SEC. 913. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 is amended—

(1) in section 221(a)(1) (29 U.S.C. 2251(a)(1)), by striking "nonprofit or for-profit entities" and inserting "public or private agencies and organizations, including institutions of higher education,";

(2) in section 222(a) (29 U.S.C. 2252(a)), by striking "nonprofit and for-profit entities" and inserting "public or private agencies and organizations, including institutions of higher education,"; and

(3) in section 231(a) (29 U.S.C. 2252(a)), by striking "nonprofit and for-profit entities" and inserting "public or private agencies and organizations, including institutions of higher education,".

SEC. 914. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

The Joint Resolution entitled "Joint Resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (36 U.S.C. 155a) is amended—

(1) by striking "handicapped persons" and inserting "persons with disabilities";

(2) by striking "the handicapped" and inserting "such persons";

(3) by striking "for each of the fiscal years 1987, 1988, 1989, 1990, and 1991," and inserting "for each of the fiscal years 1993, 1994, 1995, 1996, and 1997,"; and

(4) by striking "The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.".

And the Senate agree to the same.

WILLIAM D. FORD,
PAT WILLIAMS,
MAJOR R. OWENS,
DONALD M. PAYNE,
JOSÉ E. SERRANO,
WM. JEFFERSON,
ED PASTOR,
BILL GOODLING,
CASS BALLENGER,
SCOTT KLUG,
RANDY "DUKE" CUNNINGHAM,
Managers on the Part of the House.

EDWARD M. KENNEDY,
TOM HARKIN,
HOWARD M. METZENBAUM,
PAUL SIMON,
BROCK ADAMS,
ORRIN HATCH,
DAVE DURENBERGER,
JIM JEFFORDS,
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 amendment of the Senate to the bill (H.R. 5482) to extend and improve the Rehabilitation Act of 1973, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

GENERAL PROVISIONS AND VOCATIONAL REHABILITATION SERVICES

1. SHORT TITLE OF P.L. 93–112.

The House bill, but not the Senate amendment, changes the short title of P.L. 93–112 from the Rehabilitation Act of 1973 to the "Vocational Rehabilitation, Employment, and Independent Living Act of 1992."

The House recedes.

2. AMENDATORY REFERENCES

With slightly different wording, both the House bill and the Senate amendment specify that references in this bill shall be considered to be made to the underlying Act.

The House recedes.

3. FINDINGS, PURPOSE, AND POLICY FOR ENTIRE ACT

Both the House bill and the Senate amendment amend the purpose section of the Act. The House amendment specifies findings and purpose; the Senate amendment specifies findings, purpose, and policy.

(a) Findings

(i) The House bill specifies there are 43,000,000 Americans with disabilities and attributes the increase in the number of persons with disabilities to the aging of the population. The Senate amendment specifies that there are millions of Americans with disabilities and the number is increasing.

The House recedes.

(ii) The House bill includes statistics on the number of working age persons with disabilities and the number who are unemployed as an indication that individuals with disabilities constitute one of the most disadvantaged groups in society.

The Senate recedes with an amendment striking language in the House bill adding section 2(a) (2) to the Act and inserting: "individuals with disabilities constitute one of the most disadvantaged groups in society."

(iii) The Senate amendment explains that disability is a natural part of the human experience and in no way diminishes the exercise of basic rights, including the right to live independently and pursue meaningful careers.

The House recedes.

(iv) The House bill includes a finding that the provision of specific services can increase employment of persons with disabilities.

The Senate recedes.

(v) Both the House bill and the Senate amendment include a finding regarding the continued discrimination encountered by individuals with disabilities, but use slightly different language.

The House recedes.

(vi) Both the House bill and the Senate amendment include a finding on the Nation's goals in regard to individuals with disabilities, but use different language.

The House recedes.

(b) Purpose and policy

(i) With different wording, both the House bill and the Senate amendment specify that the purpose of the Act is to maximize employment, economic self-sufficiency, independence, and integration and inclusion of individuals with disabilities. The House amendment uses the term "maximize" and the Senate use the term "empower." Slightly different wording is used to describe the strategies through which these objectives will be achieved.

The House recedes to the Senate with an amendment to section 2(b) of the Act, as added by the Senate bill, striking "achieve" and inserting "maximize employment," before "economic self-sufficiency."

(ii) The House bill specifies additional purposes:

(A) provide comprehensive employment opportunities and eliminate segregation and unemployment;

(B) direct the provision of traditional rehabilitation services to recognize and acknowledge career choices; and

(C) ensure that the federal government plays a leadership role in promoting the employment of individuals with disabilities.

The House recedes on (A) and (B) and the Senate recedes on (C).

(iii) The Senate amendment, but not the House bill, includes a policy statement for the entire Act that specifies that all activities under the Act should be carried out consistent with the principles of

(A) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers based on informed choice;

(B) respect for privacy and equal access (including the use of accessible formats);

(C) inclusion, integration, and full participation;

(D) support and involvement of families and other authorized representatives if an

individual with a disability requests, desires, or needs such support; and

(E) support for individual and systemic advocacy and community involvement.

The House recedes.

4. APPOINTMENT OF THE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION

The House bill, but not the Senate amendment, deletes the provision making the Commissioner of the Rehabilitation Services Administration a Presidential appointee, except that the current Commissioner may continue to serve at the pleasure of the President. Under the House bill, future Commissioners would be appointed by the Secretary.

The House recedes.

5. DEFINITION OF DESIGNATED STATE AGENCY

The Senate amendment, but not the House bill, includes in the definition section the term "designated State agency" and cross references the current description set forth in section 101(a)(1)(A) of the Act.

The House recedes.

6. DEFINITION OF "ESTABLISHMENT OF A REHABILITATION FACILITY"

The Senate amendment, but not the House bill, changes the term "establishment of rehabilitation facilities" to "establishment of community rehabilitation facilities."

The House recedes.

7. EVALUATION OF REHABILITATION POTENTIAL

Both the House bill and the Senate amendment change the term and definition of "evaluation of rehabilitation potential."

(a) The Term

The House bill changes the term to "evaluation of rehabilitation needs"; the Senate amendment changes the term to "assessment for determining eligibility and vocational rehabilitation services."

The House recedes.

(b) The text of the term

The House bill keeps the basic structure of current law and makes the following changes:

(i) The assessment must be used to determine that the individual has a substantial impediment to employment and that vocational rehabilitation services are needed.

(ii) The assessment must be completed within 60 days except under specified circumstances.

(iii) Where appropriate, the assessment must include an assessment of an individual's needs for supported employment to determine whether the individual can attain a successful employment outcome.

(iv) The assessment must include a comprehensive diagnostic study covering a number of specific areas with information collected limited to that which is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program and to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information and information obtained from the family should be the primary source of information.

(v) The assessment must include an appraisal of an individual's patterns of work behavior and ability to acquire, among other things, occupational skills with assistive technology devices and services, as appropriate.

(vi) The assessment must include any goods or services provided for the purposes of ascertaining the nature of the disability and whether, with the aid of assistive technology devices and services, it may reasonably be expected that the individual can benefit from vocational rehabilitation services.

(vii) The assessment must include, where appropriate, the provision of rehabilitation engineering services, including assistive technology devices and services.

The Senate amendment completely restructures the provision and makes several changes. The term means, as appropriate in each case:

(i) a review of existing data to determine whether the individual is eligible and to assign the appropriate priority in those States that use an order of selection;

(ii) to the extent additional data is necessary to make such determinations, a preliminary assessment;

(iii) to the extent additional data is necessary, a comprehensive assessment, including the need for supported employment, to determine the individual's goals, objectives, and nature and scope of needed vocational rehabilitation services;

(iv) a description of the components of the comprehensive assessment that are similar to the provisions in the House bill described in the "diagnostic study";

(v) where appropriate, the provision of rehabilitation technology services to assess and develop the capacities of the individual to perform in a work environment;

(vi) a restatement of the extended evaluation provision in current law.

The House recedes to the Senate with an amendment inserting after "comprehensive assessment" in section 7(22)(B)(i) of the Act, as added by the Senate amendment, the following: "is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program of the individual;". The amendment also adds to (7)(22)(A) in the appropriate place that existing information should be used to the maximum extent possible and appropriate and in accordance with confidentiality requirements.

8. DRUG

The Senate amendment moves the location of the term without making any substantive changes.

The House recedes.

9. EMPLOYABILITY

(a) The Senate amendment, but not the House bill, changes the term "employability" to "employment outcome."

The House recedes.

(b) The House bill retains the language in current law that "with respect to an individual, a determination that, with the provision of vocational rehabilitation services, the individual is likely to enter or retain, as a primary objective, full-time employment, and when appropriate, part-time employment, consistent with the capabilities or abilities of the individual" and amends the remainder of the current definition by adding that "to the greatest extent practicable, [employment should be] within the competitive integrated labor market or to satisfy the vocational outcome of supported employment." The House bill also adds that "such term includes the establishment of intermediate objectives leading to the support of improved employment outcomes, including the ability to function more independently in a work situation or at home or in the community and the completion of training, including higher and continuing education programs."

The Senate amendment rewrites the definition to read as follows: "with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) or satisfying any other vocational outcome the Secretary may determine, consistent with this Act."

The House recedes.

10. FEDERAL SHARE (MATCHING)

The House bill continues the "two-tiered" State match provision in current law. The Senate amendment provides for a single State match of 78.7 percent.

The House recedes.

11. DEFINITION OF THE TERM "INDIVIDUAL WITH A DISABILITY"

(a) Individual with a disability in general

The House bill amends the second part of the definition to read "can attain a successful employment outcome pursuant to titles I, III, and VI." The term "successful employment outcome" is a defined term (See note 19). The Senate amendment amends the second part to read "can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to titles I, II, III, VI, and VIII of the Act."

The House recedes.

(b) Individual with a disability, titles IV and V

Except with respect to the use of different cross-references, both the House bill and the Senate amendment update the terminology.

The House recedes.

(c) Individual with a disability, title V

(i) The House bill references a "student with a disability" and "students without a disability"; the Senate amendment refers to a "student who is an individual with a disability" and "students who are not individuals with disabilities."

The House recedes.

(ii) The House bill deletes the term "currently" before the phrase "is engaging in the illegal use of drugs."

The House recedes.

(iii) The Senate amendment, but not the House bill, adds the exclusion set forth in the Americans with Disabilities Act for certain groups for the purposes of sections 501, 503, and 504.

The House recedes.

12. NONPROFIT

The Senate amendment, but not the House bill, changes the reference in the definition of "nonprofit" from "rehabilitation facilities" to "community rehabilitation programs."

The House recedes.

13. PERSONAL ASSISTANCE SERVICES

Both the House bill and the Senate amendment add a definition for "personal assistance services." The definitions generally include the same concepts, but they are worded differently.

The Senate recedes to the House and the House recedes to the Senate with an amendment specifying: "the term 'personal assistance services' means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job."

14. REHABILITATION TECHNOLOGY

(a) The Senate amendment, but not the House bill, changes the term "rehabilitation engineering" to "rehabilitation technology."

The House recedes.

(b) The House bill and the Senate amendment both specify that the defined term in-

cludes assistive technology devices and assistive technology services. The Senate amendment also specifies that the term includes rehabilitation engineering.

The House recedes.

15. COMMUNITY REHABILITATION PROGRAM

Both the House bill and the Senate amendment include the same definition of the term "community rehabilitation program" with the minor difference that the House bill includes the phrase "including assistive technology devices and assistive technology services" after rehabilitation technology and the Senate amendment does not.

The House recedes.

16. INDIVIDUAL WITH A SEVERE DISABILITY

(a) In general

(i) The Senate amendment changes the word "employability" to "employment outcome."

The House recedes.

(ii) The Senate amendment replaces the term "evaluation of rehabilitation potential" with a reference to "an assessment for determining eligibility and vocational rehabilitation needs."

The House recedes.

(b) For purposes of title VII

The Senate amendment, but not the House bill, rewords the definition of "individual with a severe disability" for purposes of title VII.

The House recedes.

(c) For purposes of section 13 and title II

The Senate amendment, but not the House bill, includes a definition of "individual with a severe disability" for purposes of section 13 and title II.

The House recedes.

17. DEFINITION OF THE TERM "STATE"

With slightly different wording, both the House bill and the Senate amendment amend the definition of "State".

(a) The House bill, but not the Senate amendment, specifies that the term State includes the several States.

The Senate recedes.

(b) The House bill makes reference to the Northern Mariana Islands. The Senate amendment makes reference to the Republic of the Marshall Islands and the Federated States of Micronesia.

The Senate recedes.

(c) The House bill also specifies that the designated State agency for Samoa shall be the Governor. See note 41 for the comparable provision in the Senate amendment.

The Senate recedes.

(d) The House bill references the Commonwealth of Puerto Rico; the Senate amendment references Puerto Rico.

The Senate recedes.

(e) The House bill specifies that Palau is considered a State "until the Compact of Free Association takes effect" and the Senate bill specifies that Palau is a State "pending ratification of the Compact of Free Association."

The Senate recedes with a technical modification.

18. PUBLIC OR NONPROFIT AGENCY OR ORGANIZATION

The Senate amendment, but not the House bill, makes a technical change to the definition.

The House recedes.

19. SUCCESSFUL EMPLOYMENT OUTCOME

The House bill, but not the Senate amendment, adds a definition for a new term "successful employment outcome." The term means the successful completion of goals in the individualized written rehabilitation program, including the completion of such documentable outcomes as the ability to function more independently within the workplace, at home or in the community, the completion of training, including higher and continuing education programs and a minimum of 60 days of successful employment.

The House recedes.

20. ONGOING SUPPORT SERVICES

(a) The Senate amendment includes "a particularized assessment supplementary to the comprehensive assessment"

The House recedes.

(b) The House bill adds to those who may be contacted as part of followup services advocates and authorized representatives; the Senate does not include advocates and specifies legal representatives rather than authorized representatives.

The Senate recedes to the House and the House recedes to the Senate with an amendment specifying that: "followup services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates, or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;".

21. TRANSITION SERVICES

Both the House bill and the Senate amendment include similar definitions of "transition services" with only minor drafting differences.

The Senate recedes.

22. ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES

The Senate amendment uses the same definitions of assistive technology devices and assistive technology services from the Technology Act, while the House bill incorporates the Technology Act definitions by reference.

The Senate recedes with a technical and conforming amendment.

23. IMPARTIAL HEARING OFFICER

The Senate amendment, but not the House bill, adds a definition of "impartial hearing officer."

The House recedes.

24. INDEPENDENT LIVING CORE SERVICES AND INDEPENDENT LIVING SERVICES

The Senate amendment includes definitions for these terms in the general definition section applicable to the entire Act. The House bill includes similar definitions (without using the phrase "core services") but includes the definitions in title VII of the Act. The differences between the House bill and the Senate amendment are set out in the notes under title VII of the Act.

The House recedes to the Senate moving a blended definition to the general definition section.

25. DISABILITY.

The Senate amendment, but not the House bill, includes a definition for the term "disability."

The House recedes.

26. INDIVIDUALS WITH DISABILITIES

The Senate amendment, but not the House bill, adds clarifications of the terms "individuals with disabilities," "individuals with severe disabilities," and "individuals with the most severe disabilities."

The House recedes.

27. SUPPORTED EMPLOYMENT SERVICES

The Senate amendment, but not the House bill, adds a definition of "supported employment services."

The House recedes.

28. TERMINOLOGY

With minor differences, the House bill and the Senate amendment update the terminology used in the Act.

The House recedes with amendments.

29. ALLOTMENT PERCENTAGE

The Senate amendment, but not the House bill, changes the reference to the Trust Territory of the Pacific Islands to the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

The Senate recedes to the House with an amendment deleting "the Republic of the Marshall Islands" and all that follows and inserting "Palau (until the Compact of Free Association takes effect)".

30. AUDIT

The House bill, but not the Senate amendment, adds the phrase "a fiscal audit of" after "pertinent to."

The House recedes.

31. NONDUPLICATION

The Senate amendment, but not the House bill, changes the reference to "rehabilitation facilities" to "community rehabilitation programs."

The House recedes.

32. ADMINISTRATION OF THE ACT

(a) Training.

The House bill, but not the Senate amendment, specifies that the Commissioner may provide short-term training and technical instruction "including training for the personnel of community rehabilitation programs, centers for independent living, and other providers of services (including job coaches)."

The Senate recedes.

(b) Regulations—selection and procurement of services

Both the House bill and the Senate amendment provide for the promulgation of regulations establishing criteria pertaining to the selection of vocational rehabilitation services and the procurement of such services, with several differences.

(i) The House bill amends section 12 of the Act; the Senate amendment includes a free-standing provision.

The Senate recedes.

(ii) The House bill provides a time period of 120 days from the date of enactment for the receipt of public comment and the promulgation of regulations.

The Senate recedes.

(iii) The House bill provides for the Commissioner to promulgate the regulations, the Senate amendment provides for the Secretary to do so.

The House recedes.

(iv) The House bill provides that the regulations shall pertain to service providers while the Senate amendment pertains to services.

The Senate recedes to the House and the House recedes to the Senate.

(v) The House bill includes:

(A) goods as well as services,

(B) sufficient scope and quality,

(C) reasonableness of costs, reasonableness of length of time provided, timeliness of provision,

(D) prevention of fraud, waste, and abuse,

(E) procedures to assure that services are provided in the most integrated settings,

(F) procedures to assure compliance with State guarantees,

(G) guidelines for the use of out of State and religiously affiliated providers, and

(H) standards to ensure the integrity of services and guidelines for assisting individ-

uals particularly individuals with cognitive disabilities.

The Senate bill includes:

(A) sufficient scope and quality,

(B) reasonableness of costs, and

(C) prevention of fraud, waste, and abuse.

The Senate recedes to the House with amendments, including an amendment requiring the promulgation of regulations establishing the criteria within 120 days and an amendment striking "guidelines for the use of out of State and religiously affiliated providers."

(c) Regulations-order of selection

The Senate amendment, but not the House bill, includes a provision directing the Secretary of Education to promulgate regulations regarding the implementation of the provision in the Act pertaining to the order of selection. This provision is included as a free standing provision.

The House recedes.

33. REPORTS

(a) The Senate amendment, but not the House bill, includes types of rehabilitation technology services provided in the reporting requirements.

The House recedes.

(b) The House bill includes a number of additional reporting requirements not included in the Senate amendment including marital status, household makeup and earnings, disability specifics, and more employment information, number of jobs, hours worked, and earnings in the three years prior to application, types of public support received, primary source of economic support, whether covered by health insurance after receiving services, and supported employment status.

The House recedes with an amendment moving some of the data requirements to the section requiring review of data collection. The Conferees note that many of these data elements must be considered as part of the review of data required by the House bill and the Senate amendment. See Note 75.

34. EVALUATION

(a) The House bill, but not the Senate amendment, provides that the Secretary, not the Commissioner (current law) is responsible for conducting evaluations of programs.

The Senate recedes with an amendment specifying that the Secretary shall conduct the evaluation "in consultation with the Commissioner". The Conferees wish to emphasize that evaluations conducted under this section must be limited to evaluations of programs currently authorized under the Act.

(b) The House bill, but not the Senate amendment, provides that the opinions of participants shall be obtained, that the statewide assessment of rehabilitation needs shall include the active participation of rehabilitation service providers.

The Senate recedes.

(c) The House bill, but not the Senate amendment, directs the Secretary to verify through on-site review of records that the State is following an order of selection.

The House recedes to the Senate with an amendment moving to section 107 (pertaining to monitoring and review) the requirement in the House bill that the Commissioner verify through on-site review of records that the State is following the rules governing order of selection set forth in section 101(a)(5)(A) of the Act.

(d) The House bill, but not the Senate amendment, directs the Secretary to undertake a longitudinal study of a national sample of rehabilitation applicants.

The Senate recedes with an amendment adding "continue to."

35. REVIEW OF APPLICATIONS

(a) The Senate amendment, but not the House bill, increases the cap on review costs from ½ of 1% to 1%.

The House recedes.

(b) The Senate amendment, but not the House bill, specifies the compensation rate for non-Federal reviewers.

The House recedes.

36. CARRYOVER

With slightly different wording, both the House bill and the Senate amendment provide for carryover of funds to the next fiscal year for formula grant programs authorized under the Act.

The House recedes to the Senate with an amendment adding a new subsection (b) to section 19: "(b) Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated."

37. NOTIFICATION REGARDING CLIENT ASSISTANCE PROGRAM

With slightly different wording, both the House bill and the Senate amendment provide that all programs and projects shall provide information on client assistance programs.

The House recedes.

38. TRADITIONALLY UNDERSERVED POPULATIONS

The House bill, but not the Senate amendment, provides that the Commissioner shall develop and implement a policy to prepare minorities for careers in rehabilitation and a plan to provide outreach services to certain entities. For purposes of implementing the plan, the Commissioner shall, for each fiscal year 1993–1997, expend 1 percent of the funds appropriated for the fiscal year involved for carrying out programs authorized in titles II through VII of the Act. The Commissioner shall submit a report to Congress.

The Senate recedes to the House with an amendment in subsection (b)(2)(C): after "titles II through VII of this Act" insert "except programs authorized under title IV or title V".

39. FINDINGS, PURPOSE, AND POLICY FOR TITLE I OF THE ACT

The House bill amends the statement of purpose for title I in current law by adding the phrase in quotations: The purpose of this title is to authorize grants to assist States to meet the current and future needs of individuals with a disability, so that such individuals may prepare for and engage in gainful employment "as a means to living independently" to the extent of their capabilities.

The Senate amendment strikes the current provision and replaces it with a provision setting forth findings, purpose and policy for title I.

The House recedes.

40. AUTHORIZATION OF APPROPRIATIONS

(a) Basic State Grant.

The House bill authorizes under section 100(b) (1) $1,839,852,000 for fiscal year 1993 and amounts determined by a formula for fiscal years 1994 through 1997; under section 100(b) (2) (as redesignated), such additional sums as may be necessary through fiscal year 1997; under section 100(b) (3) (as redesignated), in no event more than $1,875,512,100 for fiscal year 1993 and an amount determined by formula for the fiscal years 1994–1997.

The Senate amendment authorizes "such sums" for 1993 through 1997 and makes necessary conforming changes.

The House recedes.

(b) Innovation and Expansion.

The House bill deletes the separate authorization for part C pertaining to innovation and expansion grants. The Senate amendment retains the separate authorization of appropriations and extends the provisions to cover fiscal years 1993–1997.

The House recedes.

41. IN GENERAL (STATE PLAN)

(a) The House bill amends section 101(a) of the Act to provide that the State shall include information demonstrating that public hearings have been held on the State plan. Comparable provisions exist in current law (section 101(a)(23)(A)) and amendments thereto in the Senate amendment discussed under note 55.

The House recedes.

(b) The Senate amendment provides for adjustments in the timing for the submission of State plans so that the submission of State plans under other Federal laws can coincide with the State plan required by this title.

The House recedes.

42. STATE AGENCY (STATE PLAN)

The Senate amendment, but not the House bill, provides that the appropriate head of government of the Marshall Islands, Micronesia: and Palau shall be the designated State agency. See note 17(c) for the comparable provision in the House bill.

The Senate recedes.

43. PLANS, POLICIES, METHODS (STATE PLAN)

(a) With slightly different wording, both the House bill and the Senate amendment provide that the State will provide an explanation of how services will be provided to all who are eligible. The House bill also specifies "or else describe the order of selection it will follow."

The House recedes.

(b) The Senate amendment, but not the House bill, provides that the States shall establish criteria for determining who are individuals with the most severe disabilities.

The House recedes.

(c) The House bill, but not the Senate amendment, provides that the State's study of the broad variety of means for providing services to individuals with the most severe disabilities should include the use of funds under part C of title VI to supplement funds under part B of title I for the cost of services leading to supported employment.

The Senate recedes.

(d) The Senate amendment modifies current law by providing that the State plan shall describe how rehabilitation technology services will be provided and the training that will occur. The House bill retains current law, but adds that the State must describe how a broad range of assistive technology devices and services will be provided.

The House recedes with an amendment inserting "a broad range of" before "rehabilitation technology services".

44. FACILITIES COMPLIANCE (STATE PLAN)

The Senate amendment, but not the House bill, provides that facilities must comply with section 504 of the Act and with the Americans with Disabilities Act of 1990.

The House recedes with an amendment changing the title to "Program Compliance".

45. PERSONNEL (STATE PLAN)

(a) With a number of differences, both the House bill and the Senate amendment provide that the State plan must describe a comprehensive system of personnel development.

(i) The House bill requires:

(A) a description of how the State will ensure an adequate supply of personnel,

(B) a description of how the State's personnel training activities will be coordinated with IDEA,

(C) a system of determining the institutions of higher education in the State that are preparing personnel,

(D) a plan to address current and future personnel needs, and recruitment and retention and

(E) a description of plans to ensure that all personnel employed by the State are appropriately and adequately trained and prepared.

The Senate amendment requires a comprehensive system of personnel development for professionals and paraprofessionals employed by the State agency, which system shall include:

(A) a plan to address current and projected personnel needs and to coordinate and facilitate efforts to recruit, prepare, and retain qualified personnel and

(B) a description of procedures and activities the State will undertake to ensure that all personnel needed by the State agency are appropriately and adequately prepared, including training regarding the Rehabilitation Act Amendments, surveys to determine training needs, a system for the continuing education of personnel and procedures for acquiring and disseminating knowledge from research.

The Senate recedes to the House with amendments. First, section 101(a)(7)(A)(ii) is amended by inserting "where appropriate" before the phrase "a description". Second, section 101(a)(7)(E)(ii) is amended by inserting after "research and other sources" the following "including training regarding the amendments to the Rehabilitation Act made by the Rehabilitation Act Amendments of 1992".

(b) With different language, both the House bill and the Senate amendment require policies and procedures to establish and maintain personnel standards.

The House recedes to the Senate with an amendment inserting after the term "personnel" the following: "(including professionals and paraprofessionals)". Section 101(a)(7)(B), as added by the Senate amendment, is amended in (B) by striking "needed by the State agency" and inserting "needed within the State agency"; and in (B)(ii) by adding "within the designated State unit" after "personnel". Section 101(a)(7)(C), as added by the Senate amendment, is amended by adding "within the designated State unit" after "personnel".

46. COMPARABLE BENEFITS AND SERVICES (STATE PLAN)

With drafting differences, both the House bill and the Senate amendment provide that a determination of comparable benefits is not required if a job placement would be lost due to the delay. The Senate amendment, but not the House bill, limits the provision to situations where the job placement is "immediate."

The House recedes.

The Conferees intent that there is nothing in the language of the Rehabilitation Act to require, or even to allow, the application of a comparable services determination with respect to taped texts, and any contrary position or policy is not appropriate. The Committee expects the Rehabilitation Services Administration to reflect that the comparable services and benefits exception applies to alternative format books accessible by computer (sometimes call E-text) as well as to taped books.

47. USE OF EXISTING INFORMATION (STATE PLAN).

The Senate amendment, but not the House bill, adds an assurance that existing information will be used to the maximum extent appropriate and consistent with the requirements of the Act.

The House recedes.

48. STATE REPORTS (STATE PLAN)

The House bill, but not the Senate amendment, provides that State reports to the Commissioner will include certain data including the number of persons evaluated and rehabilitated and other factors, including the costs of administration, counseling, direct services, and facility development.

The Senate recedes to the House with an amendment deleting "facilities" and inserting "community rehabilitation programs.

49. INTERAGENCY COOPERATION

(a) The House bill, but not the Senate amendment, changes the reference to the Perkins Act to the Carl D. Perkins Vocational and Applied Technology Education Act.

The Senate recedes.

(b) The Senate amendment, but not the House bill, adds the Committee on Purchases of Blind-Made Products to the list of programs with whom the State shall provide cooperative arrangements.

The House recedes.

(c) The House bill, but not the Senate amendment, adds to the cooperative arrangements that the arrangements shall include training of staff of other programs regarding rehabilitation services.

The Senate recedes.

(d) The Senate amendment, but not the House bill, provides that means of interagency cooperation include, if appropriate, establishing interagency working groups and entering into formal interagency agreements that identify areas of coordination and identify available resources and define respective financial responsibility.

The House recedes.

50. COMMUNITY REHABILITATION PROGRAMS (STATE PLAN)

The Senate amendment, but not the House bill, changes the reference from rehabilitation facilities to community rehabilitation programs.

The House recedes.

51. STATEWIDE STUDIES (STATE PLAN)

(a) The Senate amendment, but not the House bill, changes the reference to rehabilitation facilities to community rehabilitation programs.

The House recedes.

(b) The House bill, but not the Senate amendment, provides that statewide studies shall include outreach procedures to identify and serve those from minority backgrounds and those who have been unserved and underserved.

The Senate recedes.

52. EXTENDED EMPLOYMENT (STATE PLAN)

(a) The House bill specifies that the review and reevaluation must occur "at least" on an annual basis; the Senate amendment specifies "annual."

(b) The Senate amendment, but not the House bill, specifies that input from the individual or their family should be included in the review and reevaluation of extended employment.

(c) The Senate amendment makes reference to community rehabilitation programs; the House bill adds "within, through, or outside" such programs.

(d) The House bill makes reference to the needs of such individuals for employment or training in the competitive labor market; the Senate amendment makes reference to the "interests, priorities, and needs of such individuals for their employment, or training for competitive employment, in integrated settings in the labor market."

(e) With respect to maximum efforts, the House bill includes the identification of services as well as the provision of vocational services, as well as reasonable accommodations, and other support services to enable such individuals to benefit from training or to be placed in employment in integrated settings. The House bill also includes transition services to promote integration, including supported employment, independent living and community participation.

The Senate amendment includes the provision of vocational rehabilitation services, designed to promote movement from extended employment to integrated employment (including supported employment).

The Senate recedes to the House and the House recedes to the Senate with an amendment blending the two provisions.

53. VIEWS CONSIDERED (STATE PLAN)

Drafted differently, both the House bill and the Senate amendment add the client assistance program director to those whose views should be considered.

The Senate recedes.

54. USE OF STUDIES AND EVALUATIONS (STATE PLAN)

The Senate amendment, but not the House bill, specifies that evaluations and studies must be used to not only amend the State plan (current law) but the strategic plan as well.

The House recedes.

55. FORMULATION OF STATE PLAN

(a) The House bill, but not the Senate amendment, adds that the State plan must include an assurance that the State will consult with the Director of the client assistance program regarding the formulation of policies.

The Senate recedes.

(b) The Senate amendment, but not the House bill, adds that public input must be sought before the development of the State plan.

The House recedes.

56. TRANSITION FROM EDUCATION TO REHABILITATION (STATE PLAN)

With different language, both the House bill and the Senate amendment specify that the State plan must include plans, polices, and methods for the transition of students to vocational rehabilitation.

The House bill requires provisions for determining the lead agency and personnel responsible, the procedures for outreach to and identification of those who need transition services, and a time frame for evaluation and followup should be included.

The Senate amendment includes that there should be a cooperative agreement designed to facilitate the accomplishment of the goals and objectives identified in the individualized education program and to facilitate the transition to vocational rehabilitation.

The House recedes to the Senate with amendments. First, the House strikes "independent living" and inserts "live independently". Second, House amendment adds a new subparagraph (C) to read as follows:

"(C) provide that such plans, policies, and procedures will address—

(i) provisions for determining State lead agencies and qualified personnel responsible for transition services;

(ii) procedures for outreach to and identification of youth in need of such services; and

(iii) a timeframe for evaluation and follow-up of youth who have received such services;".

57. ACCEPTABLE PLAN FOR PART C OF TITLE VI (STATE PLAN)

The House bill, but not the Senate amendment, adds that the State plan must include an assurance specifying that funds under part C of title VI will be used to supplement title I funds for supported employment.

The Senate recedes.

58. ADDITIONAL PROVISIONS IN THE STATE PLAN

The House bill, but not the Senate amendment, adds State plan assurances that describe:

(a) how personal assistance services will be provided,

(b) how cooperative agreements are established with private nonprofit vocational rehabilitation service providers,

(c) the needs and use of community rehabilitation programs with regard to the Javits-Wagner O'Day Act,

(d) how clients are given choice and increased control,

(e) how non-special education students with disabilities can access and receive services,

(f) how technology devices and services or worksite assessments are provided during assessment of needs,

(g) how the Advisory Council recommendations are addressed,

(h) how the State responds to consumer satisfaction surveys and,

(i) how at least one job development specialist has been employed to provide specified services.

The Senate amendment, but not the House bill, adds State plan assurances that provide

(j) for coordination with the Statewide Independent Living Council,

(k) the development of a strategic plan to expand and improve services,

(l) a system for evaluating personnel performance that facilitates the goals of the title,

(m) work with disability organizations, business, industry, and labor to expand employment opportunities including providing technical assistance on the amendments and the Americans with Disabilities Act.

The Senate recedes on (a), (b), (c), (d), (e), (f), (h), and (m). The House recedes on (g) and (i), and (j). With respect to (k), the House recedes with an amendment adding the following: "will use at least 1.5 percent of the allotment of the State under part B for the uses described in section 123."

With respect to (l), the House recedes to the Senate. The Senate bill provides that the designated State unit shall describe how the system for evaluating the performance of rehabilitation counselors, coordinators, and other personnel used in the State facilitates the accomplishment of the purpose and policy of this title, including the policy of serving, among others, individuals with the most severe disabilities. It is the intent of the Conferees that such system may include standards such as the ability to function more independently in a work situation or at home or in the community and the completion of training, including higher and continuing education programs.

59. ASSURANCE IN THE STATE PLAN REGARDING ADVISORY COUNCIL

Both the House bill and the Senate amendment add an assurance regarding the establishment of a State advisory council.

(a) The House bill refers to the council as the "Rehabilitation Consumer and Business Advisory Council. The Senate amendment refers to the Council as the "State Rehabilitation Advisory Council."

The House recedes.

(b) The House bill specifies that the designated State unit must consider advice relating to the State plan under this title, innovation and expansion grant applications and State plan for independent living and any State rules of general applicability. The Senate amendment specifies that the designated State agency and the designated State unit must consider advice regarding the strategic plan.

The House recedes.

(c) The House bill specifies that State must include, among other things, a summary of advice in an annual report. The Senate amendment specifies that this information must be included in the State plan.

The House recedes.

(d) The Senate amendment, but not the House bill, specifies the information that the State must provide to the advisory council.

The House recedes.

(e) With slightly different wording, the House bill and the Senate amendment provide a State that has a consumer-controlled commission need not establish an advisory council.

The House recedes.

60. ELIGIBILITY

(a) The House bill specifies that the individualized written rehabilitation program is developed jointly, agreed upon and signed by the vocational rehabilitation counselor and the individual and, if appropriate, a parent, family member, guardian, advocate, or authorized representative and that a copy of the plan and any amendments be provided to the individual in an accessible format. (The Senate amendment has a comparable provision in section 102(b)(1)(C), as amended).

The House recedes.

(b) With minor drafting differences, the Senate revision of section 102(a) and the House additions to section 102(a) regarding eligibility and presumptions are the same with the following exceptions:

(i) The Senate amendment, but not the House bill, requires extended evaluation in those cases where ineligibility may be found on the basis of severity.

The House recedes.

(ii) The Senate amendment includes a time frame for determinations, the House bill includes a similar provision in the definition of "evaluation of rehabilitation needs," with the difference that the timeframe in the Senate amendment applies to the preliminary evaluation used to determine eligibility and the timeframe in the House amendment applies to the preliminary and comprehensive evaluation used to determine both eligibility and the nature and scope of services required.

The House recedes.

(iii) The Senate amendment, but not the House bill allows for an exception to the timeframe in cases where an extended evaluation is required. The House bill retains the extended evaluation provision in current law.

The House recedes.

(iv) The Senate amendment provides that the determination of eligibility shall be based on a review of existing data and, as necessary, a preliminary assessment.

The House recedes.

(v) The Senate amendment specifies that the State shall insure that ineligibility determinations made prior to the initiation of the individualized written rehabilitation program shall include the reasons, the rights and remedies available, and the availability of the client assistance program (this provision is similar to current law, which is not amended by the House bill).

The House recedes.

61. INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

Both the House bill and the Senate amendment make changes to the requirements of the individualized written rehabilitation plan in section 102(b).

The changes to the Act in the House bill include—

(i) assessment of rehabilitation needs designed to maximize the capacity of the individual to achieve integrated employment leading to living independently,

(ii) assessment of career interests and needs which goals shall, to the maximum extent appropriate, include placement in integrated settings,

(iii) clarifying that rehabilitation engineering services includes assistive technology devices and services,

(iv) clarification that services must be provided, to the maximum extent appropriate, in integrated work settings,

(v) the views and choices of the individual and if appropriate the parent,

(vi) to the maximum extent possible, be provided in the native language, or mode of communication of the individual and if appropriate the parent,

(vii) where appropriate include a statement of the specific on-the job and related personal assistance services,

(viii) where appropriate and desired by the individual, training in managing, supervising and directing personal assistance services,

(ix) identification of other related services and benefits, and

(x) specification of services requested and denied and the reasons for such denial.

The provisions in the Senate amendment include:

(i) timeframe for completing comprehensive assessment (if necessary) after eligibility has been established,

(ii) individualized written rehabilitation program jointly developed, agreed upon, and signed by the individual or parent or other specified individual if appropriate,

(iii) the terms and conditions under which goods and services will be provided,

(iv) the identity of and the process for determining service providers,

(v) the individual's statement about how they were involved in the process of determining the plan, and

(vi) the reasons an individual with an individualized written rehabilitation program has become ineligible and the rights and remedies available to that individual.

Drafted slightly differently, both the House bill and the Senate amendment specify that any revisions or amendments shall be incorporated into or affixed to the individualized written rehabilitation program. The House bill, but not the Senate amendment, specifies that such revisions shall be signed.

The House recedes to the Senate with amendments. First section 102(b)(1)(B)(ii) is amended to read as follows: "(ii) include a statement of the long-range rehabilitation goals based on the assessment for determining eligibility and vocational rehabilitation needs described in section 7(22)(B), including an assessment of career interests, for the individual, which goals shall, to the maximum extent appropriate, include placement in integrated settings;".

Second, section 102(b)(1)(B)(iv) is amended by adding a new subclause (III) to read as follows: "(III) if appropriate, include a state-

ment of the specific on-the-job and related personal assistance services to be provided to the individual and, if appropriate and desired by the individual, the training in managing, supervising, and directing personal assistance services to be provided to the individual;".

Third, at the end of subparagraph (viii), add "in the most integrated settings."

Fourth, add a new subparagraph (xiv) and a new subparagraph (xv) to read as follows:

"(xiv) to the maximum extent possible, be provided in the native language, or mode of communication, of the individual or, in an appropriate case, of a parent, family member, guardian, advocate, or authorized representative, of such individual;"

"(xv) include information identifying other related services and benefits provided pursuant to any Federal, State, or local program that will enhance the capacity of the individual to achieve the vocational objectives of the individual;".

Finally, amend section 102(b) (2) by adding the following additional sentence: "Any revisions or amendments to the program resulting from such review shall be incorporated into or affixed to such program. Such revisions or amendments shall not take effect until agreed to and signed by the individual with a disability, or, if appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual.".

62. REVIEW DETERMINATIONS OF INELIGIBILITY

The Senate amendment, but not the House bill, specifies that the Director of the State program rather than the Commissioner shall review determinations of ineligibility.

The House recedes.

The Senate amendment, but not the House bill, makes a conforming change in section 102(c) (2).

The House recedes.

63. DUE PROCESS PROCEDURES

(a) Continuation of services

With different phrasing, both the House bill and the Senate amendment provide that pending an administrative appeal, the individual must continue to receive services. The Senate bill does not require continuation under certain circumstances such as misrepresentation.

The House recedes with an amendment inserting after "unless the individual with a disability" the following ", in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual".

(b) Qualifications of the hearing officer

The House bill specifies that the impartial hearing officer must be certified as having completed a training program conducted by the State unit in conjunction with the client assistance program. The House bill also specifies other qualifications of the individual. For the comparable provision in the Senate bill see the note on the definition of the term impartial hearing officer.

The House recedes.

(c) Selection of hearing officers

With slightly different wording, the House bill and the Senate amendment specify the procedure for selecting hearing officers.

The House recedes with an amendment inserting the phrase in Note 63(a) after "and the individual with a disability".

(d) Decision of the hearing officer and review by State

The House bill specifies that the decision of the hearing officer shall be final. The Director may not overturn or modify a decision which supports the individual's position unless he or she concludes, based on clear and convincing evidence, that the hearing officer's decision is contrary to Federal or State law. The Senate amendment specifies that the Director may not overturn or modify a decision of a hearing officer that supports the position of the individual unless the Director concludes, based on clear and convincing evidence that the decision is clearly erroneous on the basis of being contrary to Federal or State law, including policy.

The House recedes.

(e) Data

The House bill, but not the Senate amendment, requires that the data required must include how many requests the client assistance program receives annually, how many requests such program is unable to serve, and the reasons that the program is unable to serve all the requests.

The Senate recedes with an amendment moving the provision to section 112 of the Act pertaining to client assistance programs.

64. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

(a) Assessment

The Senate amendment strikes the current section 103(a) (1) of the Act and inserts the following: "an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology." The House bill makes conforming language changes, and specifies that the assessment should be based on relevant existing reports to the maximum extent appropriate, that the individual's self assessment should be considered where appropriate, and that the assessment should include the individual's need for supported employment.

The House recedes.

(b) Miscellaneous services

The Senate amendment moves two phrases from paragraph (2) to paragraph (13): referral and other services designed to help individuals with disabilities secure needed services from other agencies. The House bill, but not the Senate amendment, adds that phrase "work-related" to describe placement services and explains that such services include job search assistance, placement, job retention, and personal assistance services.

The House recedes to the Senate and the Senate recedes to the House.

(c) Additional miscellaneous services

The House bill adds transition services to paragraph (3). The Senate amendment makes technical changes to paragraph (3).

The House recedes.

(d) Conforming changes

The House bill, but not the Senate amendment, makes conforming language changes to paragraph (4).

The Senate recedes.

(e) Maintenance

The Senate amendment, but not the House bill, specifies in paragraph (5) that maintenance is for additional costs incurred while participating in rehabilitation.

The House recedes.

(f) Technology and services for specified groups

The House bill strikes paragraphs (11) and (12) and inserts new language.

The new paragraph (11) replaces the phrase "telecommunications, sensory and other technological aids and devices" with "rehabilitation engineering and assistive technology devices and services, including such products as environmental control units, augmentative communication, computers and computer input devices and telecommunication devices."

The new paragraph (12) replaces "rehabilitation engineering" with the phrase "services for individuals with sensory, mobility and/or cognitive impairments."

The Senate amendment retains paragraph (11) and changes the term in paragraph (12) from "rehabilitation engineering" to "rehabilitation technology."

The House recedes.

(g) Transition services

With different phrasing, both the House bill and the Senate amendment add transition services to the list.

The House recedes.

(h) Personal assistance services

With different phrasing, both the House bill and the Senate amendment add personal assistance services to the list.

The Senate recedes to the House with an amendment inserting after "on-the-job" the following "or other related".

(i) Supported employment services

The Senate amendment, but not the House bill, adds to the list supported employment services.

The House recedes.

(j) Group services

The House bill, but not the Senate amendment, provides that in subsection (b) of section 103, vocational rehabilitation services include those services provided for groups (current law) or "for the employment of an individual in an integrated work setting within the competitive labor market."

The House recedes.

(k) Community rehabilitation programs

The House bill, but not the Senate amendment, adds that under section 103(b), the sums providing community rehabilitation program services shall be used to provide services that promote integration and competitive employment.

The Senate recedes.

(l) Americans With Disabilities Act assistance

The House bill, but not the Senate amendment, adds technical assistance and support services to business on the Americans with Disabilities Act as part of the list of services.

The Senate recedes.

(m) Technical changes

The House bill, but not the Senate amendment, makes technical drafting changes to section 103(b).

The Senate recedes.

65. NON-FEDERAL SHARE FOR CONSTRUCTION

The Senate amendment, but not the House bill, makes conforming changes to Section 104.

The House recedes.

66. EVALUATION

With slightly different wording, both the House bill and the Senate amendment add a new section on evaluation. In addition to some drafting differences, the substantive differences are:

(a) The House bill titles the section "Evaluation Standards," the Senate titles the section "Evaluation Standards and Performance Indicators."

The House recedes.

(b) The Senate amendment, but not the House bill, specifies that the standards are to facilitate and in no way impede the accomplishment of the purposes of this title.

The House recedes.

(c) The Senate amendment, but not the House bill, specifies that the Commissioner

shall publish a notice of intent to regulate and the proposed standards and indicators in the Federal Register for public comment.

The House recedes.

(d) The Senate amendment, but not the House bill, specifies that the Commissioner shall provide technical assistance to the State in cases where the State does not meet the standards and indicators.

The House recedes.

67. STATE ADVISORY COUNCIL

(a) Title

The House bill refers to the Council as the "State Rehabilitation Consumer and Business Advisory Council." The Senate amendment refers to the Council as the "State Rehabilitation Advisory Council."

The House recedes.

(b) Independent commissions; separate commissions

With slightly different wording, the House bill and the Senate amendment recognize the exception for States that have an independent commission and the discretion to form two councils in States with a commission for the blind.

The House recedes.

(c) Effective date

The House bill, but not the Senate amendment provides that this provision does not go into effect until one year from the date of enactment of the Rehabilitation Act Amendments of 1992.

The House recedes. Both the House bill and the Senate amendment include a provision authorizing the use of existing councils for one year after the date of enactment of the Rehabilitation Act Amendments of 1992. The Conferees do not intend for this provision to delay in any way the formation and implementation of State Rehabilitation Advisory Councils. This provision is merely designed to avoid unnecessary disruption.

(d) Composition

(i) With slightly different wording, both the House bill and the Senate amendment provide that the membership must include the chair or designee of the Statewide independent living council; a representative from the parent training center, the client assistance program, and community rehabilitation programs; representatives from a cross section of the disability community and current and former applicants for or recipients of vocational rehabilitation services. The Senate amendment, but not the House bill includes in the disability advocacy groups those that represent parents, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty representing themselves.

(ii) The House bill specifies that there shall be four representatives of business, industry, and labor. The Senate amendment specifies that there must be at least one member of business and industry and at least one member from labor.

(iii) The Senate amendment, but not the House bill, specifies that the Council must include a vocational rehabilitation counselor.

The Senate recedes to the House and the House recedes to the Senate with an amendment. The amendment shall include the following subparagraphs from the Senate amendment: (A), (B), (C), (D) as modified to read as follows: "at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency"; (H), and (I). The amendment shall include the following provisions from the House bill: (D) and (E).

(e) Appointment

The Senate amendment, but not the House bill, specifies that the appointing authority must appoint members after soliciting recommendations from a broad range of specified organizations.

The House recedes.

(f) Qualifications

With slightly different wording, both the House bill and the Senate amendment specify that a majority of the council must be individuals with disabilities.

The House recedes.

(g) Chairperson

Both the House bill and the Senate amendment specify that the chairperson should be selected from among the membership. However, the House bill includes an exception in States where the Governor does not have a veto power.

The Senate recedes with an amendment using the Senate language set out in the title pertaining to independent living.

(h) Terms of appointment

The House bill specifies that the Governor shall provide for term limits and staggered terms. The Senate amendment specifies that a member shall serve for not more than 3 years with no member serving more than two consecutive full terms. The Senate amendment also calls for staggered terms.

The House recedes.

(i) Vacancies

The Senate amendment, but not the House bill, specifies the procedure for filling vacancies.

The House recedes.

(j) Meetings

The House bill specifies that the Council shall meet at least 4 times a year and in such places as it deems necessary to conduct business. The meetings must be publicly announced and open and accessible to the general public.

The Senate amendment specifies that in addition to convening at least 4 times to conduct meetings, the Council may conduct forums or hearings as are considered appropriate. The meetings shall be open to the public unless there is a valid reason for an executive session.

The House recedes.

(k) Budget/resources

The House bill specifies that the director of the State agency and the council shall prepare a budget to reimburse members for reasonable expenses, to pay compensation to members under specified circumstances, to hire staff and obtain the services of support staff. The State must reserve an amount not to exceed $200,000. Funds may not be used to defray the expense of members who are employees of State agencies or representatives of business, industry, and labor.

The Senate amendment specifies that the Council shall prepare, in conjunction with the designated State unit, a plan for the provision of resources, including staff and other personnel, relying to the maximum extent possible on existing resources. Disagreements between the Council and the designated State unit regarding the resources necessary shall be resolved by the Governor or appointing agency. The Senate amendment also specifies that the Council will have supervisory responsibility over staff and personnel, consistent with State law and such personnel who work for the designated State unit may not be assigned duties that create a conflict of interest. The Senate amendment also specifies policies governing compensation and expenses of the council.

The House recedes. The Conferees expect that the State Rehabilitation Advisory Council will be fully independent from the State vocational rehabilitation agency even while relying, to the maximum extent possible, on existing resources from the State vocational rehabilitation agency to provide staff and other personnel. The Conferees expect that staff provided by the State vocational rehabilitation agency, when assigned to work for the Council, will work solely on behalf of the Council and will not be assigned duties that create a conflict of interest. The Conferees expect that administrative arrangements made in the State will be consistent with this expectation so that each State Rehabilitation Advisory Council can operate independently.

(l) Functions of the council

(i) The House bill specifies that the Council shall review, analyze, and advise the designated State unit on matters relating to a specified list. The Senate amendment specifies that such function shall be with respect to the performance of the responsibilities of the unit under the title with particular emphasis on a specified list that is comparable to the list in the House bill.

The House recedes.

(ii) With slightly different wording, both the House bill and the Senate amendment specify the function relating to the preparation of applications, plans, and reports.

The House recedes.

(iii) With slightly different wording, both the House bill and the Senate amendment provide for the preparation of a report. The House bill provides that the report should be to the Governor; the Senate amendment provides that the report should be to the Governor or the appropriate State entity.

The House recedes.

(iv) With slightly different wording, both the House bill and the Senate amendment specify that the Council must coordinate with other councils.

The House recedes.

(v) The House bill, but not the Senate amendment includes additional responsibility to coordinate with the statewide independent living council.

The Senate recedes.

(vi) The Senate amendment, but not the House bill, authorizes the Council to perform other functions consistent with the purposes of the title.

The House recedes.

68. SOCIAL SECURITY REIMBURSEMENT PAYMENTS

The House bill specifies that Social Security reimbursement payments may be used to carry out programs under title I, part C of title VI, and title VII. The Senate amendment provides that any State that used, during fiscal year 1992, such payments for allowable expenditures under the Act may continue such use until October 1, 1994.

The Senate recedes.

69. TRAINING OF EMPLOYERS

The House bill, but not the Senate amendment, adds a new section allowing the States to provide a program to train employers regarding the Americans with Disabilities Act. The Senate amendment addresses this in the State plan requirements, by the provision of technical assistance.

The Senate recedes.

70. MONITORING AND REVIEW

With slightly different wording, both the House bill and the Senate amendment add a

new section relating to monitoring and review.

The House recedes.

71. STATE ALLOTMENTS

(a) The House bill, but not the Senate amendment, deletes section 110(a)(4) pertaining to the amount of a State's allotment.

The House recedes.

(b) The Senate amendment, but not the House bill, makes a technical change to section 110(a)(3) pertaining to the territories.

The House recedes to the Senate with an amendment striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Trust Territory of the Pacific Islands" and inserting "Palau (until the Compact of Free Association takes effect)".

(c) The House bill, but not the Senate amendment, deletes section 110(b)(1) pertaining to the amount of a State's allotment.

The House recedes.

(d) The Senate amendment, but not the House bill, provides for funds that will not be used by a State to remain available for reallotment until they are reallotted.

The House recedes.

(e) The House bill, but not the Senate amendment, increases the percentage allotted to carry out part D to not less than ½ of 1% to not more than 1.5%.

The Senate recedes to the House with an amendment specifying that the minimum shall be increased to 1/3 of 1 percent for fiscal years 1993 and 1994 and then increased to 1/2 of 1 percent for fiscal years 1995, 1996, and 1997.

72. PAYMENTS TO STATES

The Senate amendment, but not the House bill, adds a paragraph to specify the level of Federal match for construction projects.

The House recedes.

73. CLIENT ASSISTANCE PROGRAM

(a) Advocacy

With different language, the House bill and the Senate amendment specify that services may include "advocacy." The House adds that the advocacy may be individual and systemic.

The Senate recedes.

(B) AUTHORIZED FUNCTIONS.

(i) The House bill, but not the Senate amendment, provides that the program shall provide information on the available services under the Act and the Americans with Disabilities Act to individuals within the State with disabilities, particularly individuals traditionally underserved by rehabilitation programs.

The Senate recedes to the house with an amendment inserting "title I of" before "the Americans with Disabilities Act".

(ii) The Senate amendment, but not the House bill, provides that the program may provide assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

The House recedes.

(c) Redesignation

With different wording, the House bill and the Senate amendment specify the procedures that must be followed with respect to redesignation of client assistance programs. The Senate amendment, but not the House bill, provides that the agency may appeal to the Commissioner in cases where the Governor's redesignation is not for good cause.

The House recedes to the Senate with an amendment inserting "30 days" before "notice" in section 112(c)(1)(B)(i).

(d) Territories

The Senate amendment, but not the House bill, makes a technical change to section 112(e)(1)(B) and (C) pertaining to the territories.

The Senate recedes to the House with an amendment that is identical to the amendment described in Note 71(b).

(e) Minimum allotments

The House bill, but not the Senate amendment, changes the minimum allotment for the States in section 112(e)(1)(D) from $75,000 to $100,000. The House bill, but not the Senate amendment, adds discretion for the Commissioner to increase the allotment for American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

The Senate recedes with an amendment striking the "Trust territory of the Pacific Islands" and inserting "The Republic of Palau (until the Compact of Free Association takes effect)".

(f) Confidentiality

The House bill, but not the Senate amendment, provides in section 112(g) for the confidentiality of individuals requesting assistance from client assistance programs.

The Senate recedes.

(g) Authorization of Appropriations

The House bill authorizes $9,434,000 for fiscal year 1993, and such sums thereafter. The Senate amendment provides for such sums for fiscal years 1993 through 1997.

The House recedes.

(h) Transfer to title V

The House bill, but not the Senate amendment, transfers section 112 to section 500 of the Act.

The House recedes.

74. INNOVATION AND EXPANSION

(a) State allotments

(i) The House bill, but not the Senate amendment, specifies that from the sums available under section 110(e) each State must use 1.5% of such funds for activities relating to innovation and expansion. The Senate maintains the separate authorization (see note 71(c)).

The House recedes with an amendment. See Note 74(f).

(ii) The House bill specifies that each State's allotment shall be based on its relative population with a minimum of $100,000 or one-quarter of 1 percent, whichever is greater. The Senate amendment uses relative population but includes a $200,000 minimum or one-third of 1 percent and includes a formula for other jurisdictions. The Senate amendment also includes a provision to adjust the minimum upwards based on Consumer Price Index and a provision relating to proportional reductions.

The House recedes.

(iii) With slightly different wording, both the House bill and the Senate amendment specify procedures for reallotment.

The House recedes.

(b) Application

The House bill specifies that any State desiring to receive assistance under part C must prepare and submit an application. The application must describe activities it plans to undertake to achieve long-term success in expanding and improving vocational rehabilitation services, including supported employment.

The Senate amendment specifies that effective October 1, 1993, a State desiring to receive assistance under part C and part B must prepare and submit a statewide strategic plan for the same purposes set out in the House bill. The Senate amendment also specifies the content of the strategic plan.

The House recedes.

(c) Process for developing application/plan

(i) The House amendment specifies that the application shall cover a 3 year period and funds appropriated shall remain available until expended. The application must be reviewed annually to reflect the activities achieved and input from the State Rehabilitation Consumer and Business Advisory Council. The Senate bill specifies that the strategic plan shall cover a three year period and shall be updated on an annual basis to reflect actual experience and input from both the State Rehabilitation Advisory Council and the State Independent Living Council.

The House recedes.

(ii) The House bill provides for public hearings and input from the State Rehabilitation Consumer and Business Advisory Council prior to the development of the application. The Senate bill provides for similar input but also includes the State Independent Living Council.

The House recedes.

(iii) With slightly different wording, the House bill and the Senate amendment specify a procedure for addressing recommendations by Councils that have been rejected.

The House recedes.

(iv) The Senate amendment, but not the House bill, specifies that the strategic plan must be widely disseminated.

The House recedes.

(v) The House bill, but not the Senate amendment, specifies that the State must describe the activities it has undertaken in its State plan. For the comparable provisions in the Senate amendment see the notes on the State plan.

The House recedes.

(vi) The House bill, but not the Senate amendment, specifies that the Commissioner must pay the State its full allotment if it outlines the authorized activities consistent with part C and section 101.

The House recedes.

(d) Use of funds

The House bill specifies that the Commissioner shall pay the State or at the option of the State agency to a public or nonprofit agency or organization funds under this part. The Senate amendment specifies that a State may use funds directly or by grant, contract, or other arrangement.

The House recedes.

(e) Authorized uses

(i) The House bill, but not the Senate amendment, specifies that the State must carry out no less than one of the programs or activities set forth in the legislation.

The House recedes.

(ii) The House bill lists the following programs and activities:

On-the job training to promote the intent of the Americans with Disabilities Act,

Expand opportunities for traditionally unserved populations with specified disabilities,

Programs to maximize the use of rehabilitation technology, including assistive technology devices and services in employment settings,

Assisting employers in the employer's workplace consistent with the Americans with Disabilities Act, including short term technical assistance or other effective strategies,

Expand consumer involvement,

Expand opportunities for career advancement.

The Senate bill lists the following programs and activities:

Improve working relationships between vocational rehabilitation services and independent living services,

Expand opportunities by redesigning existing service options for individuals with the most severe disabilities,

Expand opportunities for classes of individuals who have unusual or complex rehabilitation needs,

Programs to maximize the use of rehabilitation technology,

Improve the service delivery system and working relationships with other agencies and entities through a range of activities,

Improve the evaluation system,

Support the comprehensive system of personnel development,

Support training of consumers, business, industry, and labor regarding the Rehabilitation Act Amendments of 1992, title V of this Act, and the Americans with Disabilities Act,

Support the funding of the State Rehabilitation Advisory Council and the State independent living council.

The Senate recedes to the House and the House recedes to the Senate with an amendment. The amendment incorporates all of the provisions in section 121(b) of the House bill and the authorized uses set out in section 123 of the Senate amendment with the exception of paragraph (2).

(iii) The House bill, but not the Senate amendment, specifies that the Commissioner may require that any portion of a State's allotment be expended in connection with only such projects as have first been approved by the Commissioner.

The House recedes.

(f) Earmarking; authorization of appropriations

The House bill, but not the Senate amendment, specifies that for fiscal year 1993–1997, the Commissioner shall reserve from the amount appropriated under section 100(b) a sum of not less than 1.5 percent to carry out the purposes of part C. The Senate amendment authorizes to be appropriated "such sums" for fiscal years 1993–1997.

The House recedes with an amendment to section 111(a) (1) of the Act specifying that the Commissioner shall pay to a State an amount equal to the Federal share of the cost of vocational rehabilitation services under State plan for that State approved under section 101, including expenditures for the administration of the State plan "and development and implementation of the strategic plan as provided in section 101(a)(34)(A). Any State that receives such an amount shall expend, for development and implementation of the strategic plan, not less than the percentage of the allotment referred to in section 101(a)(34)(B)."

75. REVIEW OF DATA COLLECTION SYSTEM

With slightly different wording, both the House bill and the Senate amendment include a new section pertaining to a review of the data collection system.

(a) The House bill requires the Secretary of Education to undertake the review, while the Senate amendment requires the Commissioner of the Rehabilitation Services Administration to do the review.

The House recedes.

(b) The House bill, but not the Senate amendment, requires that within 18 months of enactment the recommendation shall be published in the Federal Register.

The Senate recedes to the House with an amendment. The amendment specifies that the Commissioner must include in the review of the current system for collecting and reporting data, consideration of adding the following data elements (see Note 33(b)): when it can be determined, other program participation during 3 years prior to application, number of jobs, hours worked and earnings in 3 years prior to application; type of major and secondary disability; date of onset of disabling condition; severity of disability; sources of referral; hours worked; size of place of employment and industry code at time of entry into the program and at the termination of service; number and cost of each service provided; types of public support received by the client; primary sources of economic support and amounts of public assistance received before and after receiving services; whether covered by health insurance from any source and whether health insurance is available through client's employment; supported employment status; and reasons for terminating services.

76. EXCHANGE OF DATA

The Senate amendment, but not the House bill, requires a memorandum of understanding between the Secretary of Education and the Secretary of the Department of Health and Human Services regarding the exchange of data of mutual importance of clients of the vocational rehabilitation program.

The House recedes.

77. EFFECTIVE DATE FOR STATE PLAN

The Senate recedes to the House and the House recedes to the Senate adding the following provision relating to effective dates for title I of the Act: "The Secretary of Education shall implement the amendments made by section 112 of this Act to section 101 of the Rehabilitation Act of 1973, as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973, but not later than October 1, 1993."

RESEARCH

1. TITLE

The Senate amendment, but not the House bill, changes the title from "Research and Training" to "Research."

The House recedes.

1A. DECLARATION OF PURPOSE (INDEPENDENT LIVING)

The House bill, but not the Senate amendment, amends paragraph (1) of the current Declaration of Purpose by adding "independent living".

The House recedes.

2. DECLARATION OF PURPOSE (ASSISTIVE TECHNOLOGY DEVICES)

The House bill, but not the Senate amendment, amends paragraph (2) of the current Declaration of Purpose to change the term "devices".

The House recedes.

3. DECLARATION OF PURPOSE (FULL INCLUSION AND INTEGRATION)

The Senate amendment, but not the House bill, rewrites the first two paragraphs of the Declaration of Purpose to emphasize "full inclusion and integration" into society as the goal of projects funded under this title, with particular emphasis on improving the effectiveness of services under the Act and a comprehensive and coordinated approach, pursuant to the new long-range plan required by these amendments (see note 26).

The House recedes.

4. DECLARATION OF PURPOSE (PROCUREMENT OF TECHNOLOGY)

The House bill, but not the Senate amendment, amends paragraph (3) of the Declaration of Purpose to emphasize improvement of procurement processes for purchase of assistive technology devices and services, more utilization of same on a national level, and encouragement of adaptations or customizations.

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads "(3) promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to the procurement process for the purchase of rehabilitation technology; the utilization of rehabilitation technology on a national basis; and specific adaptations or customizations of products to enable individuals with disabilities to live more independently;"

5. DECLARATION OF PURPOSE (INFORMATION DISSEMINATION)

The House bill amends the Declaration of Purpose section to emphasize increased access to scientific and technological information and to encourage the collection, management and availability of assistive technology and related information "on a community and statewide level".

The Senate amendment amends the Declaration of Purpose to emphasize the widespread distribution of "practical information" generated by research and related activities in "usable formats" regarding "state-of-the-art" practices, improvements in services under the Act and new knowledge to a range of involved individuals.

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads "(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information generated by research, demonstration projects, training, and related activities; and regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities to rehabilitation professionals, individuals with disabilities, and other interested parties;".

6. DECLARATION OF PURPOSE (EMPLOYMENT STRATEGIES)

The House bill, but not the Senate amendment, amends the Declaration of Purpose to emphasize identification of effective strategies to enhance productive employment opportunities.

The Senate recedes.

7. DECLARATION OF PURPOSE (RESEARCH OPPORTUNITIES)

The House bill, but not the Senate amendment, amends the Declaration of Purpose to emphasize a number of activities to increase opportunities for researchers who are members of traditionally underserved populations.

The Senate recedes to the House with an amendment that reads: "(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities."

8. DECLARATION OF PURPOSE (TRANSFER OF TECHNOLOGY)

The Senate amendment, but not the House bill, amends the Declaration of Purpose to emphasize the transfer and utilization of technology to enable more independent living.

The Senate recedes.

9. AUTHORIZATION OF APPROPRIATIONS

The House recedes.

10. NIDRR RESPONSIBILITIES (GENERAL)

The Senate amendment, but not the House bill, amends the purpose subsection for the

National Institute on Disability and Rehabilitation Research (hereinafter NIDRR) to clarify the responsibilities of the Institute and to restructure the subsection.

The House recedes.

11. NIDRR RESPONSIBILITIES (DISSEMINATION OF RESEARCH INFORMATION)

In slightly different ways, both the House bill and the Senate amendment expand the list of individuals and organizations to whom information is to be disseminated.

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads: "(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, and related activities funded by the Institute, to other Federal, State, tribal, and local public agencies; private organizations engaged in research relating to rehabilitation or providing rehabilitation services; rehabilitation practitioners; and individuals with disabilities and the parents, family members, guardians, advocates, and authorized representatives of the individuals;".

12. NIDRR RESPONSIBILITIES (DISSEMINATION OF EDUCATION MATERIALS)

The House bill amends the current provision on dissemination to retain the improvement of "quality of life" caveat in the current statute but require "widespread" dissemination of the information to an expanded group of individuals or entities.

The Senate amendment amends the current provision to emphasize information "on ways to maximize the full inclusion and integration into" society and a number of other areas of individuals with disabilities.The Senate recedes to the House and the House recedes to the Senate with an amendment that reads: "(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to public and private entities including elementary and secondary schools and institutions of higher education; rehabilitation practitioners; individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved and underserved by programs under this Act); and the parents, family members, guardians, advocates, and authorized representatives of the individuals;".

13. NIDRR RESPONSIBILITIES (CONFERENCES, WORKSHOPS, AND SEMINARS)

The House bill amends the current provision on conferences, workshops and seminars by retaining the current emphasis, but adding consumer training and expanding the areas to be covered.

The Senate amendment amends the current provision to authorize activities directed to provide training on "full inclusion and integration" into society and a number of other areas of individuals with disabilities.

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads: "(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology, pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social selfsuf ficiency of individuals with disabilities."

14. NIDRR RESPONSIBILITIES (ANNUAL REPORT)

The Senate amendment, but not the House bill, amends the requirement to keep Congress informed to require an annual report to the President and the appropriate committees of Congress and specifies the information to be provided.

The Senate recedes.

15. NIDRR RESPONSIBILITIES (DISSEMINATION ACTIVITIES)

Technical difference.

The Senate recedes.

16. NIDRR RESPONSIBILITIES (COOPERATIVE STUDIES)

The House bill amends the current provision on cooperative production of studies and reports to expand the populations to be informed and to include assessment in the topics to be considered.

The Senate amendment adds the Health Care Financing Administration to the list of Federal agencies to be involved, requires "widespread" dissemination and expands the list of populations to be informed.

The Senate recedes to the House with amendments striking "consumers" and inserting "individuals with disabilities," inserting "the Health Care Financing Administration," after "the Bureau of the Census," and inserting "widely" before "disseminating".

17. NIDRR RESPONSIBILITIES (CONSUMER SATISFACTION RESEARCH)

The House bill, but not the Senate amendment, adds "consumer satisfaction" to the research areas.

The Senate recedes.

18. NIDRR RESPONSIBILITIES (LONG-TERM OUTCOMES RESEARCH)

The House bill, but not the Senate amendment, adds research into the relationship of the provision of specific services and long-term vocational outcomes.

The Senate recedes.

19. NIDRR RESPONSIBILITIES (COORDINATION WITH ATTORNEY GENERAL)

The Senate amendment, but not the House bill, adds coordination with the Attorney General regarding coordination in activities related to implementation of the Americans with Disabilities Act of 1990 to the responsibilities of NIDRR.

The House recedes.

20. APPOINTMENT OF DIRECTOR OF NIDRR

The House bill, but not the Senate amendment, changes the Director of NIDRR from a Presidential appointment to a Secretarial appointment.

The Senate recedes.

21. QUALIFICATIONS OF DEPUTY DIRECTOR

The Senate amendment, but not the House bill, amends the provision relating to the Director of NIDRR to delete the requirement that the Director should be guided by the general policies of the National Council on Disability, to require that the Deputy Director have "substantial experience" in rehabilitation and in research administration, and to modify the provisions on rates of pay.

The House recedes.

22. RESEARCH FELLOWSHIPS

Technical difference.

The House recedes.

23. PEER REVIEW

The House bill, but not the Senate amendment, amends the provision relating to review committees to expand the pool of knowledgeable individuals to be considered and to require the Director to solicit nominations for the committees from the public and to publish the names of committee members.

The Senate recedes to the House with an amendment striking "rehabilitation field" and inserting the following: "rehabilitation field (including experts in the independent living field) competent to review research grants and programs, including knowledgeable individuals with disabilities and the parents, family members, guardians, advocates, and authorized representatives of the individuals. The Director shall solicit nominations for such peer review groups from the public and shall publish the names of the individuals selected. Individuals comprising each peer review group shall be selected from a pool of qualified individuals to facilitate knowledgeable, cost-effective review. (2) In providing such scientific review, the Secretary shall provide for training of such individuals and mechanisms to receive input from individuals with disabilities, and from the parents, family members, guardians, advocates, and authorized representatives of the individuals."

The Conferees intend that only the names of the peer reviewers will be published. The Conferees do not intend for the Secretary to publish the names of the reviewers of specific applications or projects. The time of such publication shall be after such review has been conducted.

24. PEER REVIEW

The Senate amendment, but not the House bill, amends the provision relating to review by changing the placement of the panels, and expanding the pool of knowledgeable individuals to be considered for service on the panels, and to require the Secretary to provide training and to provide for input from consumers.

The Senate recedes.

25. LIMITATION ON DIRECT EXPENDITURES

Technical difference.

The Senate recedes.

26. LONG RANGE PLAN (GENERAL)

The Senate amendment, but not the House bill, amends the provision relating to the long-range research plan to delete its submission to Congress within 18 months of the date of enactment of this Act and to change the emphasis for research to be conducted from identification of problems encountered to identification of methods for "full inclusion and integration" of individuals with disabilities into society and a number of other areas.

The House recedes.

27. LONG RANGE PLAN (REQUIREMENTS)

The House bill adds to the plan elements involving widespread dissemination of results in accessible formats to a range of individuals, particularly those from minority or traditionally underserved populations.

The Senate amendment adds to the plan elements involving widespread dissemination of results in practical, usable formats to a range of individuals, including those from diverse cultural and ethnic backgrounds or unserved or underserved populations, and specifies that the plan be developed in consultation with the Rehabilitation Research Advisory Board established by the Senate amendment (see note 59) and the National Council on Disability and other named officials and that it be updated at least once every 5 years or as necessary.

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads after paragraph (4) in the Senate amendment: "(5) specify plans for widespread dissemination of research results in accessible formats to rehabilitation practitioners, individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of

the individuals; (6) specify plans for widespread dissemination of research results that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs under this Act;", and renumbers the paragraphs (6) and (7) in the Senate amendment as paragraphs (7) and (8).

28. INTERAGENCY COOPERATION

The Senate amendment, but not the House bill, clarifies the provision on cooperation to cover the entire Title.

The House recedes.

29. PEDIATRIC, PACIFIC BASIN, AND RURAL RESEARCH

The House bill strikes the current separate authority for a program for pediatric rehabilitation research and a Research and Training Center in the Pacific Basin.

The Senate amendment modifies the provision relating to pediatric rehabilitation, the Pacific Basin and the delivery of rehabilitation services to rural areas to continue support of these programs.

The House recedes.

30. TRAINING OF REHABILITATION RESEARCHERS

The House bill amends the training provision to emphasize support for the "implementation and objectives of this Act".

The Senate amendment amends the training provision to specifically include individuals with disabilities and to emphasize support to "improve the effectiveness of services authorized under this Act."

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads: Section 202(k) is amended by striking "researchers" and all that follows and inserting the following: "rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this Act and that improve the effectiveness of services authorized under this Act."

31. INTERAGENCY COMMITTEE

The Senate amendment, but not the House bill, amends the provision on the Interagency Committee to expand its membership, to require input from consumers and to delete the outdated report requirement.

The House recedes.

32. RESEARCH (GENERAL)

The Senate amendment, but not the House bill, amends the general directive relating to research activities to change the emphasis to development of methods, procedures and technology to maximize the "full inclusion and integration into society" and other life areas of individuals with disabilities (particularly the most severe disabilities) and to improve the effectiveness of services provided under this Act. Gives directive to emphasize research that supports certain titles of the Act.

The House recedes.

33. RESEARCH (STATE NEEDS)

The House bill, but not the Senate amendment, amends the provision relating to the determination of research emphasis to place weight on the needs as determined by States (as described through State plans).

The Senate recedes.

34. RESEARCH (UNSERVED OR UNDERSERVED POPULATIONS)

The Senate amendment, but not the House bill, amends the provision on research to clarify research on individuals who are homebound or institutionalized and to require particular attention to individuals from populations who are unserved or underserved.

The House recedes.

35. RESEARCH AND TRAINING CENTERS (INTEGRATED PROGRAM OF RESEARCH)

The House bill, but not the Senate amendment, amends the current provision relating to the responsibilities of the Rehabilitation Research and Training Centers to add providing an integrated program of research and providing technical assistance to a range of individuals and entities through workshops and other stated activities.

The House recedes to the Senate with an amendment amending the first sentence in section 202(b)(2)(A) of the Senate amendment to read: "Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which shall—".

36. RESEARCH AND TRAINING CENTERS (RESEARCH PROJECTS)

The Senate amendment, but not the House bill, rewrites this section which allows grants to pay all or part of the costs of the research projects authorized.

The House recedes.

37. RESEARCH AND TRAINING CENTERS (COLLABORATION)

The Senate amendment, but not the House bill, restates the authority for the Rehabilitation Research and Training Centers to allow them to be operated in collaboration with providers of rehabilitation services. Some technical language differences.

The House recedes.

38. RESEARCH AND TRAINING CENTERS (PURPOSE)

The House bill requires each Center to structure its research based upon specific needs in its geographic area, including, where appropriate, consideration of both rural and urban issues.

The Senate amendment requires each Center to conduct research and training on a coordinated and advanced basis, targeted toward the production of "new knowledge" that will improve rehabilitation methodology and service delivery, alleviate or stabilize disabling conditions, and promote maximum social and economic independence, provide training to enhance more efficient provision of services and provide other training programs.

The House recedes to the Senate with an amendment striking "and" at the end of (2)(B)(ii), striking the period at the end of (iii) and adding at the end of (2)(B)(iii), "; and (iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of the individuals, through conferences, workshops, public education programs, in-service training programs, and similar activities."

39. RESEARCH AND TRAINING CENTERS (AREAS OF RESEARCH)

The House bill specifically mentions individuals with mental retardation in the provision on living in the community.

The Senate amendment specifically includes "disability policy" as an area for research and specifies the continuation of certain research activities. Also, one technical difference on drafting language.

The House recedes to the Senate with an amendment adding after individuals with disabilities in (vi) the phrase "including individuals with mental retardation and other developmental disabilities."

40. RESEARCH AND TRAINING CENTERS (REQUIREMENTS)

The Senate amendment, but not the House bill, adds to the Rehabilitation Research and Training Centers provision requirements that training may be provided either directly or indirectly and that grants must be of sufficient size, scope, and quality to carry out the required activities. The Senate amendment, but not the House bill, also rewrites the requirements of current law.

The House recedes.

41. RESEARCH AND TRAINING CENTERS (GRANT APPLICATIONS)

The Senate amendment, but not the House bill, includes grant provisions relating to length, application submission, and review and rewrites the provision in indirect costs.

The House recedes to the Senate with an amendment inserting an additional subparagraph that reads "In awarding grants under this paragraph, the Director shall take into consideration the location of any proposed Center and the appropriate geographic and regional allocation of such Centers."

42. RESEARCH AND TRAINING CENTERS (COMPETITIVE GRANTS)

The House bill, but not the Senate amendment, makes a technical and conforming change.

The House recedes.

43. REHABILITATION ENGINEERING RESEARCH CENTERS (GENERAL)

The House bill authorizes the establishment and support of Rehabilitation Engineering Research Centers to develop and disseminate innovative methods of applying a range of advanced research relating to technology and the solution of rehabilitation problems. Research could be in cooperation with public and nonprofit organizations to produce new scientific knowledge, methods, equipment, and devices. Research could also be to develop and disseminate innovative delivery models for cost-effective provision of rehabilitation engineering and assistive technology services in urban and rural areas to promote utilization of such services and devices, and to meet the employment and independent living needs of individuals with severe disabilities, to cooperate and coordinate with designated State agencies on information exchange and utilization of rehabilitation engineering and assistive technology, demonstrate and disseminate cost-effective delivery models, and to provide rehabilitation research training.

The Senate amendment authorizes the use of research grants to establish and support Rehabilitation Technology Research and Resource Centers operated by or in collaboration with institutions of higher education or nonprofit private organizations to conduct research demonstration projects and training activities regarding rehabilitation engineering, assistive technology devices and assistive technology services. The purpose would be to enhance the opportunities for, better meet the needs of, and address the barriers to individuals with disabilities in a number of areas. Such a center shall carry out research in a number of stated areas, including new and emerging technologies and design and usability of mass market products. Such Centers shall be consumer responsive and individual and family centered, and promote prompt utilization of a broad range of technologies, particularly in urban and rural settings. The amendment stipulates training activities.

The Senate recedes to the House and the House recedes to the Senate with an amendment combining the two versions.

44. REHABILITATION ENGINEERING RESEARCH CENTERS (AREAS OF FOCUS)

The Senate amendment, but not the House bill, gives specific "areas of focus" for the centers' activities.

The Senate recedes to the House and the House recedes to the Senate. See note 43.

45. REHABILITATION ENGINEERING RESEARCH CENTERS (ADVISORY COMMITTEES)

The Senate amendment, but not the House bill, requires each Center to have an Advisory Committee, with certain requirements, including the provision that a majority be individuals with disabilities (or their representatives) who are consumers of services. The centers are to coordinate with other Federal, State, and local agencies, to respond to the needs of all individuals who may benefit from the technology, to promote interchange of information and other data, and to prepare and submit reports and application amendments as required.

The Senate recedes to the House and the House recedes to the Senate. See note 43.

46. REHABILITATION ENGINEERING RESEARCH CENTERS (GRANT REQUIREMENTS)

The Senate amendment, but not the House bill, contains certain Center grant requirements and limits.

The Senate recedes to the House and the House recedes to the Senate. See note 43.

47. SPINAL CORD INJURY PROJECTS (GENERAL)

Technical difference, relating to the wording concerning the spinal cord injury research projects and the individuals to receive information.

The Senate recedes to the House with an amendment striking from (A)(i) "to practitioners, consumers" and all that follows and inserting "to rehabilitation practitioners, individuals with spinal cord injury, the parents, family members, guardians, advocates, and authorized representatives of such individuals, and organizations receiving financial assistance under this paragraph."

48. SPINAL CORD INJURY PROJECTS (OUTREACH)

Technical difference.

The Senate recedes.

49. SPINAL CORD INJURY PROJECTS (GEOGRAPHIC DISTRIBUTION)

Technical difference.

The Senate recedes.

50. RESEARCH (AUTHORITIES)

The Senate amendment, but not the House bill, makes a technical and conforming change to each research authority to change the current directive "Conduct" to the phrase "Research grants may be used to conduct".

The House recedes.

51. RURAL AND URBAN PERSONNEL PROJECTS

The House bill, but not the Senate amendment, amends the provision relating to personnel to add the term "urban".

The Senate recedes to the House with an amendment placing the authority for projects to attract and retain urban personnel in title VIII.

52. CHILDREN AND OLDER INDIVIDUALS WITH DISABILITIES PROJECTS

The Senate amendment, but not the House bill, includes an authority to conduct research on rehabilitation for children or older individuals with disabilities, including projects on adjustment by older workers with disabilities who are leaving the work force.

The House recedes.

53. PRESCHOOL RESEARCH PROJECTS

The House bill, but not the Senate amendment, amends the authority for preschool age research to include "assessment" to the allowable activities.

The Senate recedes.

54. MODEL TRAINING CENTERS

The House bill, but not the Senate amendment, amends the provision on training centers by replacing the terms "employment potential" and "potential" with the terms "employment needs" and "needs".

The Senate recedes to the House with an amendment changing the word "developing" to "addressing".

55. RESEARCH (STUDIES REGARDING BARRIERS TO REHABILITATION)

The House bill, but not the Senate amendment, adds three authorities for studies involving barriers to successful rehabilitation outcomes for individuals from minority backgrounds, factors which have created significant underrepresentation of minorities in rehabilitation professions, and factors which have created barriers to successful rehabilitation outcomes for individuals with neurological or related disorders.

The Senate recedes to the House with an amendment placing these authorities in title VIII.

56. SITE VISITS

The Senate amendment, but not the House bill, allows the Director to waive the site visit in certain instances involving grants above a certain level.

The Senate recedes.

57. RESEARCH (REHABILITATION TECHNOLOGY)

The Senate amendment, but not the House bill, makes a technical conforming change.

The Senate recedes.

58. NATIONAL COMMISSION ON EDUCATION AND REHABILITATION OF INDIVIDUALS WHO ARE BLIND AND VISUALLY IMPAIRED

The House bill, but not the Senate amendment, establishes a National Commission on Education and Rehabilitation of Individuals Who are Blind and Visually Impaired (hereinafter referred to as the Commission). The provision includes findings and requirements for the makeup of the Commission, including the appointment authority and the requirements for a majority to be blind or visually impaired consumers and that nominations for these positions be solicited and reviewed. The Commission shall study a range of issues, including but not limited to: the nature, quality, and adequacy of infant and early childhood education programs; elementary, secondary, postsecondary, adult and continuing education programs; and vocational rehabilitation, independent living, supported employment and other employment-related programs for individuals who are blind or visually impaired. Provisions regarding terms, vacancies, the selection of the chair, and other administrative and staff issues are included. Within 18 months, the Commission is to report its findings and recommendation for Federal policy and programs to the President and the Congress.

The House recedes.

59. RESEARCH ADVISORY COUNCIL

The Senate amendment, but not the House bill, establishes within the Department of Education a Rehabilitation Research Advisory Council (hereinafter referred to as the Council). The Council shall advise the Director on the establishment of research priorities as required for the long-range plan under section 202. The section includes provisions relating to appointment, terms of office, vacancies, compensation, and other administrative and staff provisions.

The House recedes with amendments striking the phrase "The Secretary shall establish" in section 205 (a) and inserting "Subject to the availability of appropriations, the Secretary shall establish" and striking subsection (f) providing compensation and expenses for the members of the Council and inserting a provision providing an honorarium and travel expenses for the members of the Council.

SUPPLEMENTARY SERVICE AND COMMUNITY REHABILITATION PROGRAMS TRAINING AND DEMONSTRATION PROJECTS

60. TITLE

Technical difference.

The House recedes.

61. DECLARATION OF PURPOSE (REORGANIZATION)

Technical difference.

The House recedes.

62. DECLARATION OF PURPOSE (GENERAL)

The Senate amendment, but not the House bill, reorganizes the Declaration of Purpose section and adds a new paragraph relating to a number of specific training activities.

The House recedes.

63. DECLARATION OF PURPOSE (REORGANIZATION)

Technical difference.

The House recedes.

64. DECLARATION OF PURPOSE (VOCATIONAL REHABILITATION SERVICES)

The Senate amendment, but not the House bill, amends the provision by deleting "training" and inserting "rehabilitation".

The House recedes.

65. DECLARATION OF PURPOSE (CONSTRUCTION)

Technical difference—see note 61, above.

The House recedes.

66. REORGANIZATION OF TITLE

The Senate amendment, but not the House bill, moves the current provisions under current Title III into a different order and adds a Table of Contents change. NOTE—there is no section 300.

The House recedes.

67. TRAINING (TECHNICAL ASSISTANCE)

The House bill amends the activities under training to include technical assistance.

The Senate recedes.

The Senate amendment specifies that the areas for training include "other services provided under this Act".

The House recedes. The Conferees understand that the regulations governing training grants under this section require that there be evidence of current professional accreditation by the designated accrediting agency in the professional field in which grant support is being requested. The Conferees strongly support the maintenance of this requirement to assure that the professionals who receive training under this section are adequately prepared to provide quality services to individuals with disabilities.

68. TRAINING (JOB DEVELOPMENT AND PLACEMENT PERSONNEL)

The Senate amendment, but not the House bill, amends the training requirement by deleting "specially" and inserting "specifically".

The House recedes.

69. TRAINING (REHABILITATION TECHNOLOGY PERSONNEL)

The House bill includes individuals "specifically" trained to provide rehabilitation technology services, and specifically references assistive technology devices and services. The Senate amendment has a similar amendment, but does not include the references.

The House recedes.

70. TRAINING (INDEPENDENT LIVING PROGRAM PERSONNEL)

The Senate amendment, but not the House bill, amends the term relating to independent living.

The House recedes.

71. TRAINING (SUPPORTED EMPLOYMENT PROGRAM PERSONNEL)

Technical difference on wording relating to supported employment programs.

The Senate recedes.

72. TRAINING (IMPARTIAL HEARING OFFICERS)

The House bill, but not the Senate amendment, expands the training areas to include impartial hearing officers.

The Senate recedes to the House with an amendment placing this authority in title VIII.

73. TRAINING (SCHOLARSHIPS)

The House bill, but not the Senate amendment, stipulates that funds under this section may be used for scholarships with necessary stipends and allowances.

The Senate recedes.

74. TRAINING (PERSONNEL FROM UNDERREPRESENTED GROUPS)

The House bill amends the provision relating to "due regard for training individuals with handicaps" to require submission of a detailed plan on the recruitment and training of individuals with disabilities and persons who are from other underrepresented groups so as to increase the number of such individuals providing services. These plans are to reflect the diverse populations in the State.

The Senate amendment amends the same provision to require submission of a detailed plan "to recruit and train members of minority groups and individuals with disabilities".

The Senate recedes to the House with an amendment striking "persons to reflect" and all that follows and inserting "persons so as to reflect the diverse populations of the United States, as part of the effort to increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide rehabilitation services."

75. TRAINING (REQUIREMENTS)

The House bill adds the requirement that the Commissioner provide training in the provisions of titles II and XVI of the Social Security Act related to work incentives.

The Senate amendment specifically requires training in the provisions of this Act and does not include the House referenced provisions.

The Senate recedes to the House and the House recedes to the Senate with an amendment that reads: in the last sentence, by striking ", in addition" and all that follows and inserting "furnish training regarding the services provided under this Act, and, in particular, services provided in accordance with amendments made by the Rehabilitation Act Amendments of 1992, to rehabilitation counselors and other rehabilitation personnel. In carrying out this subsection, the Commissioner shall also furnish training to such counselors and personnel regarding the applicability of section 504 of this Act, title I of the Americans with Disabilities Act of 1990, and the provisions of titles II and XVI of the Social Security Act that are related to work incentives for individuals with disabilities."

76. TRAINING (HISTORICALLY BLACK COLLEGES AND UNIVERSITIES)

The House bill, but not the Senate amendment, requires that the Commissioner, in carrying out this subsection on training, utilize Historically Black Colleges and Universities and other institutions of higher education with at least a 50 percent minority student population.

The Senate recedes.

77. TRAINING (TARGETED PERSONNEL)

The Senate amendment, but not the House bill, rewrites the provision on training priorities and (1) strikes the terms "rehabilitation engineering" and "workshop and facility administration" and replaces them with "rehabilitation technology" and "community rehabilitation personnel" and adds the caveat "vocational" to the term "rehabilitation counseling", and (2) strikes the phrases "specialized personnel in providing services to blind and deaf individuals", and ", including homebound and institutionalized individuals and individuals with handicaps with limited English-speaking ability", and replaces them with "personnel to provide services to individuals with specific disabilities or specific impediments to rehabilitation." Also, a technical difference with the House bill on language relating to unserved or underserved populations.

The House recedes.

78. TRAINING (PAYBACK OF SCHOLARSHIPS)

Technical difference, relating to length of required service.

The House recedes to the Senate with an amendment inserting an effective date for the changes in this provision.

The Conferees intend that a nonprofit agency or organization performing a broad range of services for individuals with disabilities should be included in the "nonprofit rehabilitation agency or related agency" that fulfills the employment obligation in lieu of paying back scholarships under this provision. The Conferees intend that the regulations regarding the payback provision should reflect the goal of attracting students to work in State agency or nonprofit rehabilitation programs.

79. TRAINING (REHABILITATION TECHNICIANS)

The House bill, but not the Senate amendment, requires the Commissioner to make two grants to support training of community liaisons.

The Senate recedes.

80. TRAINING (CAREER ENHANCEMENT/ COMPETENCY BASED TRAINING PROJECTS)

The House bill, but not the Senate amendment, requires the Commissioner to make two grants to support training for career enhancement or competency based training for current employees. The provision includes grant and administrative provisions and stipulates the activities to be supported.

The Senate recedes.

81. TRAINING (PROJECTS FOR EXISTING PERSONNEL)

The House bill, but not the Senate amendment, requires the Commissioner to enter into a cooperative agreement through a separate competition to support the grants authorized under this section (see note 80).

The Senate recedes.

82. TRAINING (INTERPRETERS)

The House bill amends the provision relating to interpreters by deleting the "Office of Information and Resources for Individuals with Disabilities" and inserting "Office of Deafness and Communicative Disorders".

The Senate recedes.

The Senate amendment amends the provision on interpreters to include services for individuals who are deaf-blind, to delete the limitation to 12 programs, and by striking the training requirement.

The House recedes.

83. TRAINING (COMPENSATION OF EXPERTS AND CONSULTANTS)

The Senate amendment, but not the House bill, amends the provision on compensation to delete "rehabilitation facilities" and insert "community rehabilitation programs" and to change the rate of compensation.

The House recedes.

84. TRAINING (INFORMATION AND TRAINING GRANTS)

The House bill, but not the Senate amendment, authorizes grants to provide training to individuals with disabilities and their families to enable them to more effectively work with rehabilitation professionals. The paragraph includes program, application and administrative provisions.

The Senate recedes to the House with amendments placing this authority in title VIII, striking from (e)(1) the phrase "particularly those who are members of groups that have been traditionally underserved." with the phrase "particularly those who are members of populations that have been unserved or underserved by programs under this Act.", striking subparagraph "(B)" and inserting "(B) be governed by a board of directors that includes professionals in the field of vocational rehabilitation or related fields and on which a majority of members are individuals with disabilities or parents, family members, guardians, or authorized representatives, of such individuals or, if the nonprofit does not have such a board, such an organization shall have a membership which represents the interests of individuals with disabilities, and shall establish a special governing committee to operate the training and information programs under this section, that includes professionals in the field of vocational rehabilitation or related fields and on which a majority of members are individuals with disabilities or parents, family members, guardians, or authorized representatives, of such individuals.", and adding provisions in the Senate amendment regarding submission of applications (5)(B) and review (7) not in the House bill.

85. TRAINING (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

86. TRAINING (INSERVICE TRAINING SET-ASIDE)

The Senate amendment, but not the House bill, reserves not less than 20 percent of the funds appropriated for this section (except where this would lead to a decrease in funding for ongoing projects, in which case a lesser amount would be reserved) for recruitment and retention, leadership training, and succession planning and training on these amendments.

The House recedes to the Senate with an amendment (1) striking in (2)(A) "at least 20 percent" and all that follows through "including projects designed—" and inserting "at least 15 percent of the sums appropriated to carry out this section shall be allocated to designated State agencies to be used either directly or indirectly for projects for inservice training of rehabilitation personnel, including projects designed—". Nothing in this section prohibits other public and nonprofit entities from providing the inservice training.

87. INDIVIDUALS WITH DISABILITIES EDUCATION ACT (TRAINING)

The House bill, but not the Senate amendment, amends the Individuals With Disabilities Education Act to allow the training of regular classroom teachers who provide services to individuals who are deaf in meeting the needs of such individuals.

The House recedes.

88. TRAINING (TABLE OF CONTENTS)

Technical difference relating to the Table of Contents.

The House recedes.

89. COMMUNITY REHABILITATION PROGRAMS (REHABILITATION TECHNOLOGY)

Technical difference.

The House recedes.

90. COMMUNITY REHABILITATION PROGRAMS (WEEKLY ALLOWANCE)

Technical difference.

The Senate recedes.

91. COMMUNITY REHABILITATION PROGRAMS (AMOUNT OF ALLOWANCE)

Technical difference.
The Senate recedes.

92. COMMUNITY REHABILITATION PROGRAMS (GRANT RECIPIENTS)

Technical difference.
The Senate recedes.

93. LOAN GUARANTEES (TITLE)

Technical difference.
The Senate recedes.

94. COMMUNITY REHABILITATION PROGRAMS (TABLE OF CONTENTS)

Technical difference relating to the Table of Contents.
The House recedes.

95. COMPREHENSIVE REHABILITATION CENTERS (GENERAL)

The Senate amendment, but not the House bill, amends the provision on comprehensive rehabilitation centers by striking "facility" and inserting "center".
The House recedes.

96. COMPREHENSIVE REHABILITATION CENTERS (AUTHORIZATION OF APPROPRIATIONS)

Technical difference on the drafting of the authorization of appropriations.
The House recedes.

97. SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

98. SPECIAL DEMONSTRATIONS (UNSERVED AND UNDERSERVED)

The House bill, but not the Senate amendment, amends the special demonstration programs authority to include grants to expand and improve services to unserved or underserved populations, and to add career advancement.
The Senate recedes to the House with an amendment striking the phrase "blind or deaf individuals and individuals who are unserved or underserved by the vocational rehabilitation system" and substituting the phrase "individuals who are members of populations that are unserved or underserved by the programs under this Act, individuals who are blind, and individuals who are deaf,".

99. SPECIAL DEMONSTRATIONS (CONSTRUCTION AND RENOVATION)

The Senate amendment, but not the House bill, amends the special demonstration programs authority to delete renovation and construction.
The House recedes.

100. SPECIAL DEMONSTRATIONS (CHOICE)

The House bill, but not the Senate amendment, authorizes grants to increase consumer control in the rehabilitation process, including selection of the providers of vocational rehabilitation services. Program and activity requirements are included, and administrative, application, funding and evaluation caveats are part of the provision.
The Senate recedes to the House with amendments placing this authority in title VIII, striking the word "control" wherever it appears and inserting the word "choice" and by striking the word "consumer" wherever it appears and inserting the word "client", in (7)(B) add the phrase "as defined in section 7(8) (A)" after "an individual with a disability", and in (8) add the phrase "the cost effectiveness of the project," after "implementation issues,".

101. SPECIAL DEMONSTRATIONS (TRANSPORTATION)

The House bill, but not the Senate amendment, requires the Commissioner to make grants to fund projects to provide transportation services for eligible individuals. Eligibility requirements, and application and administrative caveats are included. Nothing in this provision is to be interpreted as limiting the rights or responsibilities under any other provision of this Act or the Americans With Disabilities Act of 1990, or any other provision of law.
The Senate recedes to the House with an amendment placing this authority in title VIII.

102. SPECIAL DEMONSTRATIONS (CASE CLOSURE).

The House bill, but not the Senate amendment, authorizes grants to develop alternatives to traditional case closure practice.
The Senate recedes to the House and the House recedes to the Senate with an amendment placing this authority in title VIII and with an amendment that reads: "The Commissioner shall make grants to public or nonprofit community rehabilitation programs, designated State units, and other public or nonprofit agencies and organizations to pay for the cost of developing special projects and demonstrations related to vocational rehabilitation outcomes. Such projects and demonstrations may include activities providing alternatives to case closure practice and identifying and implementing appropriate incentives to vocational rehabilitation counselors to achieve high quality placements for individuals with the most severe disabilities. Each recipient of such a grant shall (1) identify, develop, and test exemplary models that can be replicated; and (2) identify innovative methods, such as weighted case closures, to evaluate the performance of vocational rehabilitation counselors that in no way impede the accomplishment of the purposes and policy of serving, among others, those individuals with the most severe disabilities."

103. SPECIAL DEMONSTRATIONS (APPROPRIATE INCENTIVES)

The Senate amendment, but not the House bill, authorizes grants to provide appropriate incentives to vocational rehabilitation counselors to achieve high quality placements.
The Senate recedes to the House and the House recedes to the Senate. See note 102.

104. SPECIAL DEMONSTRATIONS (YOUTHS WITH DISABILITIES)

The House bill, but not the Senate amendment, amends the term referring to the Individuals with Disabilities Education Act. The Senate recedes.

105. SPECIAL DEMONSTRATIONS (SUPPORTED EMPLOYMENT)

The Senate amendment, but not the House bill, amends the special projects relating to supported employment by deleting the terms "rehabilitation facilities" and "community based rehabilitation facilities" and inserting the term "community rehabilitation programs" both places.
The House recedes.

106. SPECIAL DEMONSTRATIONS (NATURAL SUPPORTS)

The House bill, but not the Senate amendment, amends the special projects relating to supported employment to add the effectiveness of natural supports to the activities involved.
The Senate recedes to the House with an amendment that moves this provision to section 311(d)(1)(A) and inserts the word "continuing".

107. SPECIAL DEMONSTRATIONS (SUPPORTED EMPLOYMENT PROJECTS FOR INDIVIDUALS WHO ARE LOW FUNCTIONING AND DEAF OR HARD-OF-HEARING)

The House bill, but not the Senate amendment, requires that no less than two grants shall be made to serve low-functioning and hard-of-hearing individuals.
The Senate recedes.

108. SUPPORTED EMPLOYMENT (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

109. SPECIAL DEMONSTRATIONS (SERVICES FOR ADULTS WHO ARE DEAF)

The House bill, but not the Senate amendment, authorizes grants to provide a range of services (which must include educational and training services not otherwise available) to low-functioning adults who are deaf (including those with other disabling conditions).
The Senate recedes.

110. SPECIAL DEMONSTRATIONS (TRANSITIONAL PLANNING SERVICES)

The Senate amendment, but not the House bill, amends the transitional' grant provision by striking the paragraph authorizing a separate grant to a predominately rural western State.
The Senate recedes.

111. TRANSITIONAL PLANNING SERVICES (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

112. SPECIAL DEMONSTRATIONS (EARLY INTERVENTION FOR ADULTS WITH CHRONIC, PROGRESSIVE DISEASE)

The House bill, but not the Senate amendment, adds an authority for grants to serve working adults who are recently determined as having a chronic and progressive disease which may be severely disabling. Grants shall be to facilitate job retention or entry into new careers and employment.
The Senate recedes to the House with an amendment placing this authority in title VIII.

113. SPECIAL DEMONSTRATIONS (DISTANCE LEARNING THROUGH TELECOMMUNICATIONS)

The House bill, but not the Senate amendment, requires the Commissioner to make at least three grants to institutions of higher education to form regional partnerships to provide inservice training through telecommunications. Application, grant, definitions, and administrative caveats are included.
The Senate recedes to the House with an amendment placing this authority in title VIII.

114. NATIONAL COMMISSION ON REHABILITATION SERVICES

The House bill, but not the Senate amendment, establishes a National Commission on Rehabilitation Services to study the nature, quality, and adequacy of vocational rehabilitation, independent living, supported employment, research, training, and other programs authorized under this Act. The Commission shall submit recommendations to the President and the Congress regarding revisions to the Act designed to further the employability, independence, and integration of persons with disabilities into the workplace and the community. The provision describes the duties and administrative provisions of the Commission, and sets forth provisions for the composition, the appointments (including the chairperson) and compensation of members and staff.
The Senate recedes to the House with amendments placing this authority in title VIII, striking the phrase "There is hereby established" in (k)(1) and inserting the phrase, "Subject to the availability of appropriations, there is hereby established", striking the word "eighteen" in (2)(A) and inserting the word "fifteen", by striking in (2)(B) the

word "six" each time it appears and inserting the word "five", and striking subparagraph (5)(A) and inserting a provision providing an honorarium and travel expenses for the members of the Commission.

115. MIGRATORY WORKERS (GRANT RECIPIENTS)

The Senate amendment, but not the House bill, amends the provision relating to migratory workers to allow grants to nonprofit agencies working in collaboration with the designated State agency.

The House recedes.

116. MIGRATORY WORKERS (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

117. SPECIAL RECREATIONAL PROGRAMS (FEDERAL SHARE)

Technical difference relating to the Federal share (see note 127).

The House recedes.

118. SPECIAL RECREATIONAL PROGRAMS (PARTICIPANTS)

The House bill, but not the Senate amendment, includes a change in terms.

The House recedes.

119. SPECIAL RECREATIONAL PROGRAMS (ACTIVITIES)

Technical difference.

The Senate recedes.

120. SPECIAL RECREATIONAL PROGRAMS (GRANT PERIOD)

The Senate amendment, but not the House bill, allows the Commissioner to waive the three year limitation on the special recreational programs.

The House recedes. The Conferees intend that the waiver provision, if exercised, would allow the entity to recompete.

121. SPECIAL RECREATIONAL PROGRAMS (EVALUATION SYSTEM)

The House bill, but not the Senate amendment, requires development of an evaluation system within 180 days of enactment. The Senate recedes.

122. SPECIAL RECREATIONAL PROGRAMS (GRANTEE'S ANNUAL REPORT)

The House bill, but not the Senate amendment, requires an annual report from the grantee, making continuation of the grant contingent upon submission and evaluation.

The Senate recedes.

123. SPECIAL RECREATIONAL PROGRAMS (ASSURANCES)

Technical difference in drafting.

The Senate recedes.

124. SPECIAL RECREATIONAL PROGRAMS (DISSEMINATION)

The Senate amendment, but not the House bill, requires the application for a recreation grant to include a description of how the results of the project will be made generally available. Also, there are technical differences in the drafting of the provision requiring the submission of proof that the project will be continued after the cessation of Federal funding.

The House recedes.

125. SPECIAL RECREATIONAL PROGRAMS (COMMISSIONER'S ANNUAL REPORT)

The House bill, but not the Senate amendment, requires an annual report by the Commissioner.

The Senate recedes.

126. SPECIAL RECREATIONAL PROGRAMS (CONTINUATION OF SERVICES)

The House bill requires the grantee to maintain the same level of services in the second and third year of the project as provided in the first year.

The Senate amendment requires the grantee to provide "the same level of services over a 3 year project period".

The House recedes.

127. SPECIAL RECREATIONAL PROGRAMS (FEDERAL SHARE)

The House bill sets the Federal share in a project as 100 percent the first year, 75 percent the second year and 50 percent the third year.

The Senate amendment sets the Federal share in a project as 90 percent the first year, 75 percent the second year and 50 percent the third year.

The Senate recedes.

128. SPECIAL RECREATIONAL PROGRAMS (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

129. RESEARCH, TRAINING, AND DEMONSTRATION PROJECTS (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

130. DEMONSTRATION PROJECTS (CHOICE)

The Senate amendment, but not the House bill, authorizes in title VIII grants to States and public and nonprofit agencies and organizations to fund projects to increase client choice, including the choice of providers of vocational rehabilitation services (see note 100). Activities, application, administrative and evaluation caveats are included in the provision.

The Senate recedes.

131. DEMONSTRATION PROJECTS (TRANSITION)

The Senate amendment, but not the House bill, authorizes in title VIII grants to public and nonprofit agencies and organizations to fund projects to provide community based, coordinated services to facilitate transition of individuals with disabilities from rehabilitation hospital or nursing (or similar) programs to programs providing independent living services. Activities, application, evaluation, and administrative caveats are included in the provision.

The House recedes.

132. STUDIES, SPECIAL PROJECTS, AND DEMONSTRATION PROJECTS TO STUDY MANAGEMENT AND SERVICES DELIVERY

The Senate amendment, but not the House bill, authorizes in title VIII grants to study, or conduct projects related to, management or delivery systems under this Act.

The House recedes.

133. DEMONSTRATION PROJECTS (UPGRADE WORKER SKILLS)

The Senate amendment, but not the House bill, authorizes in title VIII grants to partnerships or consortia including private employers to upgrade workers skills to ensure that individuals with disabilities remain competitive in the work force. Period, application, activity, definition, and Federal share limitation caveats are included in the provision.

The Senate recedes.

134. TRAINING INITIATIVES

The Senate amendment, but not the House bill, authorizes in title VIII grants to meet unmet and emerging needs in the area of rehabilitation training. This would be done through the establishment and support of rehabilitation training projects in a wide range of areas and involving individuals who are entering the field(s) or who are upgrading or adding to current skills. Projects could be conducted by a broad range of methods. Application and administration caveats are included in the provision.

The Senate recedes.

135. INFORMATION AND TRAINING GRANTS

The Senate amendment, but not the House bill, authorizes in title VIII grants to provide information and training to specified individuals to enable them to work more effectively with professionals in meeting their vocational rehabilitation needs (see note 84). Application, administrative, eligibility, consultation, review, and definition caveats are included in the provision.

The Senate recedes.

136. BRAILLE TRAINING GRANTS

The Senate amendment, but not the House bill, authorizes in title VIII grants to provide training to service providers in the use of Braille.

The House recedes to the Senate with an amendment striking the word "may" in the first sentence and inserting the word "shall."

137. RESEARCH INITIATIVES

The Senate amendment, but not the House bill, authorizes in title VIII additional research grants: 1) to establish a Rehabilitation Technology Research and Resource Center to conduct research in areas not otherwise covered under the Research provision of the Act but identified as emerging program trends and technologies, as identified through public and Rehabilitation Advisory Council input, 2) to establish model programs involving comprehensive, multi-disciplinary services similar to those authorized for individuals with spinal cord injuries, and 3) to establish model personal assistance and other programs.

The House recedes with an amendment deleting subparagraph (a)(2) relating to a Rehabilitation Technology Research and Resource Center.

138. SEPARATE BUDGET ACCOUNT

The Senate amendment, but not the House bill, establishes in title VIII a separate budget account for the purpose of accounting for appropriations and authorizations under this title.

The House recedes to the Senate with an amendment in the appropriate place of both sections 302 and 311 of title III that reads: "(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund special training initiatives, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund the special training initiatives described in section 803. (2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII." The amendment to section 311 is the same with the exception that the reference to "special training initiatives," is a reference to "special demonstration programs, projects, and activities."

NATIONAL COUNCIL ON DISABILITY

1. COMPOSITION OF THE COUNCIL

The House bill, but not the Senate amendment, specifies that the members of the Council shall be broadly representative of minority and other specified individuals and groups.

The Senate recedes.

2. PURPOSE

The Senate amendment, but not the House bill, rewrites the purpose section to make in

comport with the Americans with Disabilities Act.

The House recedes.

3. TERMS

(a) The Senate amendment, but not the House bill, modifies the provisions governing the appointment of the initial council.

The House recedes.

(b) Both the House bill and the Senate amendment provide for term limits. The House bill, but not the Senate amendment, specifies that members serving on the date of enactment of the Rehabilitation Act Amendments of 1992 may be reappointed for an additional term.

The House recedes to the Senate with an amendment specifying that no member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. The amendment also clarifies that the term "full term" means a term of three years and the term "date of initial service" means with respect to a member, the date on which the member is sworn in.

4. DUTIES OF THE COUNCIL

(a) Research

The House bill specifies that advice to National Institute on Disability Rehabilitation Research should be with respect to "policies and conduct"; the Senate amendment refers to "policies and administration."

The Senate recedes.

(b) Interagency Disability Coordinating Council

The House bill, but not the Senate amendment, specifies that the National Council should identify priorities for the Interagency Council.

The Senate recedes to the House with an amendment that adds the following paragraph: "(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities,".

(c) General policies and programs

The Senate amendment, but not the House bill, inserts the phrase "policies, programs, practices, and procedures" instead of the phrase "all policies, programs, and activities."

The House recedes.

(d) Facilitation of policies

The Senate amendment, but not the House bill, strikes current law (section 401(a)(5) and makes it more generic by assessing whether Federal policies and procedures facilitate or impede the promotion of policies articulated in the statement of purpose.

The House recedes.

(e) Recommendations to policymakers

With slightly different wording, the House bill and the Senate amendment specify the authority of the National Council to make recommendations to Federal officials.

The Senate recedes.

(f) Americans With Disabilities Act Watch Centers

The House bill, but not the Senate amendment, directs the Council to establish Americans With Disabilities Act Watch Centers.

The Senate recedes to the House with an amendment striking the phrase "establish and operate Americans with Disabilities Act Watch Centers".

(g) Report of activities

The House bill, but not the Senate amendment requires an annual report describing the activities and accomplishments of the Council.

The Senate recedes.

(h) National disability policy progress report

(i) With slightly different wording, the House bill and the Senate amendment direct the National Council to issue an annual report regarding the status of national disability policy in the country.

The Senate recedes.

(ii) The Senate amendment, but not the House bill, specifies that the report shall be referred to as "National Disability Policy: A Progress Report."

The House recedes.

(iii) The House bill specifies that the report must be submitted not later than October 31, 1993 and annually thereafter; the Senate amendment sets the date as October 30.

The Senate recedes.

(iv) The House bill refers to the Congress and the Senate amendment refers to the appropriate committees of the Congress.

The Senate recedes to the House with an amendment inserting in the first sentence of (b)(1) the phrase "the appropriate committees of" before "the Congress".

(v) In addition to the specific topics listed in the House bill, the Senate amendment includes training, prevention, and early intervention.

The House recedes.

(vi) The Senate amendment, but not the House bill, specifies that the National Council shall include in a report submitted not later than October 30, 1995, information about the implementation of the Rehabilitation Act Amendments of 1992.

The Senate recedes.

5. COMPENSATION OF MEMBERS

The House bill specifies level 4 of the Senior Executive Service as the appropriate reference for compensation of members; the Senate amendment references level V.

The Senate recedes.

6. COMPENSATION OF STAFF

(a) Number of staff

The Senate amendment, but not the House bill, lifts the cap on the number of staff.

The Senate recedes. The Conferees intend that funds made available under this title will not be used to permit the indiscriminate travel and attendance at international conferences held abroad. Therefore, the Conferees intend that only 1 member from the National Council may be designated to attend no more than two international disability conferences if the Board determines that these conferences are relevant in providing significant knowledge and information to directly affect disability policy in the United States.

(b) Compensation

The House bill specifies level 4 of the Senior Executive Service as the appropriate reference for compensation of temporary or intermittent staff; the Senate amendment references level V.

The Senate recedes.

7. USE OF PERSONNEL OF FEDERAL AGENCIES

The House bill, but not the Senate amendment, authorizes the National Council to use staff, information, and facilities from Federal agencies.

The Senate recedes.

PROVISIONS RELATED TO RIGHTS AND ADVOCACY

1. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS PROGRAM

(a) Location

The House bill, but not the Senate amendment, moves the PAIR program from title VII of the Act to Title V.

The Senate recedes.

(b) Purpose

With slightly different wording, the House bill and the Senate amendment include a similar purpose statement for the PAIR program.

The Senate recedes. The Conferees intend that eligible persons for PAIR services include those persons who have experienced discrimination covered by the Americans with Disabilities Act.

(c) System requirements

(i) The House bill, but not the Senate amendment, specifies that an eligible system must submit an application when the grant is discretionary.

The Senate recedes to the House with an amendment striking the phrase "when the grant is discretionary" from subsection (b).

(ii) The House bill specifies that the eligible system must have in effect a system to protect and advocate for the rights of individuals with disabilities and have specified general authorities. The Senate bill specifies that the system must have the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act.

The Senate recedes to the House and the House recedes to the Senate with an amendment blending the two provisions.

(iii) The House bill, but not the Senate amendment, specifies that the eligible system must provide information on and make referrals to programs addressing the needs of individuals with disabilities in the State.

The Senate recedes.

(iv) With slightly different wording, the House bill and the Senate amendment specify that an eligible system must develop a statement of objectives and priorities and establish a grievance procedure.

The Senate recedes.

(d) Disclosure

The House bill, but not the Senate amendment, includes limitations on the disclosure of the identity of personally identifiable information pertaining to individuals requesting assistance.

The Senate recedes.

(e) Assurances

With slightly different wording, the House bill and the Senate amendment, include a supplement, not supplant provision. The Senate amendment, but not the House bill, also authorizes the Commissioner to require additional assurances. See below under the definition of eligible system for the comparable provision in the House bill.

The Senate recedes to the House and the House recedes to the Senate with an amendment that moves this provision to the section on applications and specifies that the eligible system must provide assurances to the Secretary that funds made available under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purpose for which Federal funds are provided and not to supplant such non-Federal funds.

(f) Definition of eligible system

With slightly different wording, the House bill and the Senate amendment include a definition of the term "eligible system."

The House recedes.

The House bill, but not the Senate amendment, specifies that the assurances provided by the Governor for part C of the Developmental Disabilities Assistance and Bill of Rights Act shall be the same for this section.

The House recedes.

The Senate amendment, but not the House bill, specifies that in order to be eligible, an entity must meet the requirements of section 734, as added by the Senate amendment.

The House recedes.

(g) Nature of the program based on appropriation level

The House bill makes the program a competitive grant program when appropriations are less than $10 million and a formula grant program when the appropriation is $10 million or more. In both cases, the purpose is to develop outreach strategies and plan and implement programs. The Senate amendment establishes a formula grant program, regardless of the appropriation level, but specifies that when the appropriation is less than $5.5 million, the responsibilities include planning, outreach, and carrying out the program.

The Senate recedes to the House with an amendment. The amendment includes the Senate trigger of $5.5 million; the House policy of making the program competitive when the appropriation is less than $5.5 million; and the Senate policy of making the program a formula grant when the appropriation level is at or exceeds $5.5 million.

(h) State allotments when appropriations less than specified amount

The Senate amendment, but not the House bill, specifies that when the appropriations are less than $5.5 million, each eligible system is entitled to an equal amount, subject to a limitation applicable to certain systems for fiscal year 1993. Territories are not eligible.

The Senate recedes. See (g) above.

(i) State allotments when appropriations equal or exceed a specified amount

The House bill specifies that when the appropriation equals or exceeds $10 million, the funds shall be allotted among the States by formula on the basis of population, with a minimum allotment of $100,000 or one-third of 1 percent, whichever is greater. Territories shall be allotted $50,000. Minimum allotments may be increased in accordance with the policy set forth in section 142(b) (2) of the Developmental Disabilities Assistance and Bill of Rights Act.

The Senate amendment specifies that when the amount of appropriations equals or exceeds $5.5 million, after making reservations for training and technical assistance, the Secretary may make allotments on the same basis as in the House bill (with slightly different phrasing).

The House recedes.

The Senate amendment, but not the House bill, includes a provision relating to reallotment.

The House recedes.

(j) Delegation

The Senate amendment, but not the House bill, authorizes the Secretary of Education to delegate the administration of the program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

The House recedes.

(k) Unobligated funds

The House bill, but not the Senate amendment, specifies that unobligated funds remain available for obligation for the next fiscal year.

The Senate recedes.

(l) Administrative costs

The House bill, but not the Senate amendment, specifies that a State may not use more than 5 percent of any allotment for the cost of monitoring the administration of the system.

The Senate recedes.

(m) Reporting

The House bill, but not the Senate amendment, requires the submission of an annual report to Congress.

The Senate recedes.

(n) Authorization of appropriations

The House bill authorizes for appropriation $1,109,000 for fiscal year 1993 and such sums thereafter. The Senate amendment specifies "such sums" fiscal years 1993–1997.

The House recedes.

(o) Reservation for training and technical assistance

The House amendment reserves 2 percent. The Senate amendment reserves between 1.8 and 2.2 percent.

The House recedes.

2. TITLE

Both the House bill and the Senate amendment change the name of the title of title V.

The Senate recedes.

3. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES AT THE FEDERAL LEVEL (SECTION 501 OF THE ACT)

(a) Interagency Committee

With minor differences, both the House bill and the Senate amendment provide authority for the Joint chairmanship of the Interagency Committee.

The House recedes.

(b) Standards

The Senate amendment, but not the House bill, provides that the standards used for nonaffirmative action employment discrimination shall be the same standards used under the Americans with Disabilities Act.

The House recedes.

4. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (SECTION 502 OF THE ACT)

(a) References

The Senate amendment, but not the House bill, provides for the Architectural and Transportation Barriers Compliance Board to be referred to as the "Access Board."

The House recedes.

(b) Members of the Board

With a minor drafting difference, both the House bill and the Senate amendment require that seven of the members of the Board will be persons with disabilities.

The Senate recedes.

(c) Staggered terms

With minor drafting differences, both the House bill and the Senate amendment provide for staggered terms for the Board.

The Senate recedes.

(d) Compensation level

The Senate amendment, but not the House bill, makes a technical change to paragraph (3) and to the compensation level in paragraph (5) (A).

The House recedes to the Senate with an amendment setting the compensation level at Senior Executive Service, Level IV.

(e) Functions of the Board

With minor drafting differences, both the House bill and the Senate amendment list the functions of the Board.

The Senate recedes.

(f) Interagency agreements

With minor drafting differences, both the House bill and the Senate amendment provide for interagency agreements. The Senate amendment, but not the House bill, authorizes the Access Board to transfer funds to another entity for technical assistance.

The House recedes.

(g) Compensation of experts

The Senate amendment, but not the House bill, provides a technical change in the level of compensation for experts and consultants of the Board.

The House recedes to the Senate with an amendment setting the compensation level at Senior Executive Service, Level IV.

(h) Reporting.

With minor drafting differences, both the House bill and the Senate amendment provide for reports from the Board to the Congress.

The Senate recedes.

(i) Gifts etc.

With minor drafting differences, both the House bill and the Senate amendment specify that the Board will publish regulations regarding gifts, etc. and the appearance of a conflict of interest.

The Senate recedes with a technical amendment.

(j) Authorization of appropriations

With minor drafting differences both the House bill and the Senate amendment authorize such sums not to exceed $3,000,000 for fiscal years 1993 through 1997.

The Senate recedes to the House and the House recedes to the Senate with an amendment. Section 502(i) is amended by striking "fiscal years 1987 through 1992," and all that follows in current law (including the $3.5 million ceiling) and inserting "fiscal years 1993 through 1997."

5. EMPLOYMENT UNDER FEDERAL CONTRACT (SECTION 503 OF THE ACT)

(a) Trigger

The Senate amendment, but not the House bill, increases the trigger for section 503 from $2,500 to $10,000.

The House recedes.

(b) Scope of provision

The Senate amendment, but not the House bill, strikes the phrase "in employing persons to carry out such contract" from section 503(a).

The House recedes.

(c) Waiver

The Senate amendment, but not the House bill, specifies that the Secretary of Labor may waive the requirements of the affirmative action clause under certain circumstances.

The House recedes.

(d) Standards and procedures

The Senate amendment, but not the House bill, specifies that the standards used to determine nonaffirmative action employment discrimination shall be the same standards used under the Americans with Disabilities Act. The Senate amendment also directs the Secretary to develop coordination procedures.

The House recedes.

6. NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS (SECTION 504 OF THE ACT)

The Senate amendment, but not the House bill, specifies that the standards used to determine whether section 504 has been violated in a complaint alleging employment discrimination shall be the same standards applied under the Americans with Disabilities Act. The House recedes.

7. SECRETARIAL RESPONSIBILITIES (SECTION 506 OF THE ACT)

The Senate amendment, but not the House bill, makes several technical amendments.

The House recedes.

8. INTERAGENCY COORDINATING COUNCIL (SECTION 507 OF THE ACT)

The House bill, but not the Senate amendment, includes several changes to the Interagency Coordinating Council.

(a) The Council shall be under the direction of the National Council on Disability.

The Senate recedes with an amendment striking the phrase ", under the direction of the National Council on Disability,".

(b) Additional members are specified.

The Senate recedes.

(c) Functions are expanded to include: developing and implementing agreements regarding the promotion of coordination in all activities of Federal entities to achieve the full integration, independence, and productivity of individuals with disabilities and carrying out studies and other activities as directed by the National Council on Disability.

The Senate recedes to the House with an amendment striking,, the phrase ", as directed by the National Council on Disability"and inserting ", with advice from the National Council on Disability,".

(d) The House bill, but not the Senate amendment, specifies that the report must include activities regarding promoting and meeting the employment needs of individuals with disabilities. The Report should include comments submitted by the National Council on Disability.

The Senate recedes.

9. ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES (SECTION 508 OF THE ACT).

(a) Title

The Senate amendment, but not the House bill, amends the title of the section to read ""Electronic and Information Technology Accessibility Guidelines."

The House recedes.

(b) Standards

With slightly different wording, the House bill and the Senate amendment specify the standards.

The House recedes.

EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

1. TITLE.

Technical Difference—The House bill title is singular and the Senate amendment title is plural. The House bill but not the Senate amendment has a Subtitle A, Community Service Pilot Program.

The Senate recedes.

2. SHORT TITLE

The House bill but not the Senate amendment strikes "handicaps" and inserts "disabilities".

The Senate recedes.

3. PILOT PROGRAMS (ELIGIBILITY)

Technical difference.

The House recedes.

4. PILOT PROGRAMS (COSTS)

The Senate amendment but not the House bill strikes "attendant care" and inserts "personal assistance services".

The House recedes.

5. PILOT PROGRAMS (INCOME EXCEPTION)

The Senate amendment but not the House bill strikes "attendant care" and inserts "personal assistance services"

The House recedes.

6. PILOT PROGRAMS (ATTENDANT CARE DEFINITION)

The House bill but not the Senate amendment strikes the term "mentally retarded" and inserts "other individuals with a severe disability" in the definition of attendant care. The Senate amendment strikes the entire definition of attendant care.

The House recedes.

7. PILOT PROGRAM (AUTHORIZATION OF APPROPRIATIONS)

The House bill extends the authorization from fiscal years 1994 through 1997 and the Senate amendment extends the authorization from fiscal years 1993 through 1997.

The House recedes..

8. PROJECTS WITH INDUSTRY (GENERAL)

The House bill but not the Senate amendment makes this a Subtitle B, Projects with Industry.

The Senate recedes.

9. PROJECTS WITH INDUSTRY (PURPOSE)

The Senate amendment rewrites the purpose while the House bill only adds career opportunities to the purpose.

The House recedes to the Senate with an amendment adding the phrase "and career" after the word "job" the first three times it appears, and adding the phrase "and career advancement" after the phrase "Job placements".

10. PROJECTS WITH INDUSTRY (GRANTEES)

The Senate amendment but not the House bill adds Indian tribes and tribal organizations to the list of entities that can jointly establish a project.

The House recedes to the Senate with an amendment adding the phrase "and career" after the word "job" wherever it appears.

11. PROJECTS WITH INDUSTRY (REQUIREMENTS)

The House bill but not the Senate amendment adds career, career opportunities and career advancement to the project requirements.

The House recedes.

12. PROJECTS WITH INDUSTRY (BUSINESS ADVISORY COUNCILS)

The Senate amendment but not the House bill adds individuals with disabilities to the business advisory council.

The House recedes to the Senate with an amendment adding the phrase "and career" after the word "job" each time it appears and the phrase "and careers" after the word "jobs" each time it appears.

13. PROJECTS WITH INDUSTRY (TRAINING PROGRAMS)

The Senate amendment but not the House bill prescribes training programs designed to develop job skills appropriate for individuals with disabilities.

The House recedes to the Senate with an amendment adding the phrase "and career" after the word "job" each time it appears and the phrase "and careers" after the word "jobs" each time it appears.

14. PROJECTS WITH INDUSTRY (TRAINING IN WORK SETTINGS)

Technical difference.

The House recedes to the Senate with an amendment adding the phrase "and career advancement" after the word "employment" and after the phrase "job placement".

15. PROJECTS WITH INDUSTRY (REHABILITATION TECHNOLOGY)

The Senate amendment but not the House bill provides for the distribution of rehabilitation technology and strikes "special aids, appliances, or adapted equipment".

The House recedes.

16. PROJECTS WITH INDUSTRY (MODIFICATION OF FACILITIES)

Technical difference.

The House recedes.

17. PROJECTS WITH INDUSTRY (SUPPORT SERVICES)

Technical difference.

The House recedes to the Senate with an amendment adding the phrase "and career advancement" after the word "employment".

18. PROJECTS WITH INDUSTRY (ELIGIBILITY)

The Senate amendment but not the House bill states the requirements for eligibility to receive services under this program, requires the grant recipient to make eligibility determinations, and gives a 60 day time limit for the State unit to determine if eligibility is inappropriate.

The House recedes.

19. PROJECTS WITH INDUSTRY (GRANT AGREEMENTS GENERALLY)

The Senate amendment but not the House bill requires the Commissioner to enter into agreements with the grant recipients.

The House recedes.

20. PROJECTS WITH INDUSTRY (GRANT AGREEMENT REQUIREMENTS)

The Senate amendment but not the House bill requires the agreement to include a description to annually conduct a review and evaluation of the project in accordance with the standards developed by the Commissioner.

The House recedes.

21. PROJECTS WITH INDUSTRY DATA (NUMBER SERVED)

Technical difference.

The House recedes.

22. PROJECTS WITH INDUSTRY DATA (SERVICES PROVIDED)

Technical difference.

The House recedes.

23. PROJECTS WITH INDUSTRY DATA (PERCENTAGE OF RESOURCES)

Technical difference.

The House recedes.

24. PROJECTS WITH INDUSTRY DATA (OUTCOMES)

Technical difference.

The House recedes.

25. PROJECTS WITH INDUSTRY DATA (CAPACITY BUILDING)

The Senate amendment but not the House bill adds business and industry to the list of organizations for capacity building activities.

The House recedes.

26. PROJECTS WITH INDUSTRY DATA (COMPARISON WITH PRIOR YEARS)

Technical difference.

The House recedes.

27. PROJECTS WITH INDUSTRY DATA (PLACEMENTS TERMINATED)

The Senate amendment but not the House bill requires the review and evaluation to collect data on the number of project participants terminated from project placements and the duration of such placement.

The House recedes.

28. PROJECTS WITH INDUSTRY (TECHNICAL ASSISTANCE TO EMPLOYERS)

The Senate amendment but not the House bill allows the grant recipient the authority to provide technical assistance to assist employers in hiring individuals with disabilities, improve relationships between grant recipients and employers or organized labor, or assist employers in understanding the ADA as it relates to employment. See note 49.

The House recedes.

29. PROJECTS WITH INDUSTRY ASSURANCES (MINIMUM WAGE)

Technical difference.

The House recedes.

30. PROJECTS WITH INDUSTRY ASSURANCES (TERMINATIONS)

The Senate amendment but not the House bill strikes section 621(b)(2).

The House recedes.

31. PROJECTS WITH INDUSTRY ASSURANCES (BENEFITS)

Technical difference.

The House recedes.

32. PROJECTS WITH INDUSTRY ASSURANCES (BENEFITS)

The Senate amendment but not the House bill requires that terms and benefits afforded to an individual with a disability be equal to those afforded to similarly situated coworkers of the individual.

The House recedes.

33. PROJECTS WITH INDUSTRY ASSURANCES (SEGREGATION)

Technical difference.

The House recedes.

34. PROJECTS WITH INDUSTRY (ANNUAL EVALUATION REPORT)

The Senate amendment but not the House bill requires that an annual evaluation report be submitted to the Commissioner.

The House recedes.

35. PROJECTS WITH INDUSTRY (EVALUATION STANDARDS AND INDICATORS)

Both the House bill and the Senate amendment strike 621(d)(1) and insert changes. The House bill requires each recipient to review and evaluate its project in accordance with the standards and indicators developed by the Commissioner and requires the Commissioner to revise the standards as necessary. The Senate amendment requires the Commissioner to develop standards for evaluation and requires the Commissioner to review and revise the evaluation standards as necessary.

The House recedes.

36. PROJECTS WITH INDUSTRY (REVISION OF STANDARDS)

The House bill requires that if the standards and indicators are revised, the Commissioner shall obtain and consider recommendations for such modifications from State Vocational Rehabilitation agencies, current recipients of agreements, individuals assisted by such recipients, professional organizations representing industry, organizations representing individuals with a disability and labor organizations. The Senate amendment requires that in revising the standards and evaluation, the Commissioner shall obtain and consider recommendations for such standards from the same organizations listed in the House bill with the addition of former grant recipients, professional organizations representing business and industry, individuals served by grant recipients, and organizations representing community rehabilitation program providers.

The House recedes.

37. PROJECTS WITH INDUSTRY (GRANT RENEWAL)

The Senate amendment but not the House bill allows renewal of a grant and requires the grant recipient to submit an application to the Commissioner in order to be eligible to receive a grant.

The House recedes.

38. PROJECTS WITH INDUSTRY (PROJECT DISTRIBUTION)

The Senate amendment but not the House bill requires the Commissioner, to the extent practicable, to assure an equitable distribution of payments among the States and new projects shall be awarded that will serve individuals with disabilities that are not currently served or are underserved by project.

The House recedes.

39. PROJECTS WITH INDUSTRY (ANNUAL REPORT REVIEW)

The Senate amendment but not the House bill requires the Commissioner to review each annual evaluation report and using the indicators determine whether the grant should be terminated, modified, or renewed.

The Senate recedes.

40. PROJECTS WITH INDUSTRY (CONTINUANCE OF GRANTS)

The House bill but not the Senate amendment requires the Commissioner to use program evaluation standards to assess project performance in order to award continuance grants in the 3rd, 4th, and 5th years and requires an equitable distribution among States to the extent practicable. The House bill requires that the grantee be in compliance with the evaluation standards under section 621(d)(1) and that each fiscal year the Commissioner shall include an analysis of grantees who have complied with the evaluation standards in the annual report to Congress.

The Senate recedes.

41. PROJECTS WITH INDUSTRY (REVIEW PROCESS)

The Senate amendment but not the House bill requires that indicators of what constitutes minimum compliance consistent with the evaluation standards be published in the Federal Register; requires each grant recipient to report to the Commissioner the extent to which they are in compliance with the evaluation standards; requires the Commissioner annually to conduct on-site reviews of at least 15 percent of the grant recipients selected at random; requires the Commissioner to use the indicators in determining compliance with the evaluation standards; outlines who is on the team to conduct the review and states conflict of interest language; requires the Commissioner in the annual report to Congress to analyze the extent to which the grant recipient is in compliance with the evaluation standards, allows the Commissioner to identify the grant recipients in the analysis, and requires the Commissioner to report the results of the on-site compliance reviews; authorizes the Commissioner to provide technical assistance to projects for the improvement or development of relationships with private industry or labor or the improvement of relationships with State Vocational Rehabilitation agencies and for planning the development of new projects.

The House recedes.

42. PROJECTS WITH INDUSTRY (DEFINITIONS)

The House bill strikes section 621(h). The Senate amendment amends section 621(h) to define the terms "agreement", "project", "grant recipient" and "workers with disabilities".

The House recedes to the Senate with an amendment striking definition "(4)" pertaining to "workers with disabilities".

43. JOB UPGRADE DEMONSTRATION PROJECTS

The House bill but not the Senate amendment authorizes the Commissioner to make grants to partnerships or consortia that include private business concerns or industries to develop model demonstration projects for workers with a disability who need new or upgraded skills to adapt to emerging technologies, work methods, and markets to ensure that such individuals possess the knowledge and skills necessary to compete in the work place. Outlines the length of the award and what information must be included in an application to receive an award.

The Senate recedes to the House with amendments placing this authority in title VIII and adding the phrase "and career advancement" after the word "employment" in section 621(i)(2) of the House bill.

44. BUSINESS OPPORTUNITIES (PLACEMENT)

The House bill but not the Senate bill creates Part D, Business Opportunities for Individuals with a Disability by redesignating section 622 as section 641.

The Senate recedes.

45. BUSINESS OPPORTUNITIES (HEADING)

Technical difference.

The Senate recedes.

46. BUSINESS OPPORTUNITIES (TABLE OF CONTENTS)

The House bill but not the Senate amendment updates the table of contents to reflect the change made in note 44.

The Senate recedes.

47. PROJECTS WITH INDUSTRY (AUTHORIZATION OF APPROPRIATIONS)

The House bill authorizes $21,042,000 for fiscal year 1993 and such sums for fiscal years 1994 through 1997 and the Senate amendment authorizes such sums for fiscal years 1993 through 1997.

The House recedes.

48. BUSINESS OPPORTUNITIES (AUTHORIZATION OF APPROPRIATIONS)

The House bill but not the Senate amendment authorizes such sums for fiscal years 1993 through 1997 to carry out Part D, Business Opportunities for Individuals with a Disability.

The Senate recedes.

49. TECHNICAL ASSISTANCE TO EMPLOYERS

The House bill but not the Senate amendment authorizes the Commissioner to enter into agreements with organizations representing individual employers, rehabilitation service providers, labor unions, and business or industry to provide technical assistance to assist employers in hiring individuals with a disability, improve or develop relationships between current or prospective projects with industry and employers and/or labor or assist employers in understanding and meeting the requirements of the Americans with Disabilities Act as it relates to employment. See note 28.

The House recedes.

50. TECHNICAL ASSISTANCE TO EMPLOYERS (TABLE OF CONTENTS)

The House bill but not the Senate amendment updates the table of contents to reflect changes made by note 49.

The House recedes.

51. SUPPORTED EMPLOYMENT (GENERAL)

Technical difference.

The House recedes.

52. SUPPORTED EMPLOYMENT (PURPOSE)

Both the House bill and the Senate amendment make amendments to the purpose. The House bill strikes "traditionally time-limited post-employment services leading to supported employment for individuals with severe disabilities" and inserts "for the provision of services leading to supported employment for individuals with a severe disability in the most integrated settings." The Senate amendment rewrites the purpose emphasizing that entities provide supported employment services for those individuals with the most severe disabilities who require supported employment services to enter or retain competitive.

The House recedes.

53. SUPPORTED EMPLOYMENT (FORMULA)

The Senate amendment but not the House bill has a formula that no State can receive less than $250,000 or one third of 1 percent of the sums appropriated for the fiscal year for which the allotment is made whichever is greater and for a fiscal year in which the amounts appropriated under this part exceed by not less than $1 million the appropriations made to carry out this part in fiscal year 1992, no State shall receive less than $300,000 or one third of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater.

The House recedes to the Senate with an amendment clarifying the formula.

54. SUPPORTED EMPLOYMENT (STATE DEFINITION)

The Senate amendment but not the House bill defines what is not a State which includes Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands and sets a minimum allotment for these entities not less than one-eighth of 1 percent except for Palau which shall be allotted not less than one eighth of 1 percent for the fiscal year, pending ratification of the Compact of Free Association. The House bill only makes a technical change from "the jurisdictions" to "each jurisdiction".

The Senate recedes.

55. SUPPORTED EMPLOYMENT (PLANNING GRANTS)

The House bill but not the Senate amendment retains current law allowing grants under this part to be used for planning activities for not more than 18 months and not to exceed $250,000.

The House recedes.

56. SUPPORTED EMPLOYMENT (FUNDS FOR EXTENDED SERVICES)

The Senate amendment but not the House bill provides that funds under this part may only be used to provide supported employment services to those individuals eligible to receive such services and that no funds provided by this part, title I or section 311(c) or 311(d) may be used to provide extended services to individuals who are eligible for services under this part or Title I.

The House recedes.

57. SUPPORTED EMPLOYMENT (ELIGIBILITY)

The Senate amendment but not the House bill prescribes the eligibility for this part to be an individual who is eligible for vocational rehabilitation services; and an individual is determined to be an individual with the most severe disabilities; and a comprehensive assessment of rehabilitation needs of the individual identifies supported employment as the appropriate rehabilitation objective for this individual.

The House recedes.

58. SUPPORTED EMPLOYMENT (STATE PLAN SUPPLEMENT)

The Senate amendment but not the House bill strikes the requirement that the State plan supplement for this part be for a three year period. Both the House bill and the Senate amendment strike language regarding traditionally time-limited postemployment services leading to supported employment. The House bill inserts "services authorized under this part" and the Senate amendment rewrites to emphasize supported employment services authorized under this Act to individuals who are eligible.

The House recedes.

59. SUPPORTED EMPLOYMENT (STATEWIDE ASSESSMENT)

The Senate amendment but not the House bill requires the plan to summarize the results of the comprehensive, statewide assessment of the rehabilitation needs of individuals with severe disabilities conducted under section 101(a)(5) of their amendment with respect to the need for supported employment services.

The House recedes to the Senate with an amendment inserting in (b)(2) the phrase "and career" after the phrase "assessment of the rehabilitation".

60. SUPPORTED EMPLOYMENT (DESCRIPTION OF SERVICES)

Technical difference.

The House recedes.

61. SUPPORTED EMPLOYMENT (COOPERATIVE AGREEMENTS)

The House bill requires that each designated State unit enter into cooperative agreements which demonstrate the capacity of the State to ensure collaboration by and funding from other State agencies and private nonprofit organizations to assist in the provision of supported employment services. The Senate amendment requires the supplement plan to demonstrate evidence of efforts to identify and make arrangements with other State agencies and other appropriate entities to assist in the provision of supported employment services.

The Senate recedes to the House and the House recedes to the Senate with an amendment inserting after the phrase "make arrangements" the phrase "(including entering into cooperative agreements)".

62. SUPPORTED EMPLOYMENT (IDENTIFICATION OF EXTENDED SERVICES)

The Senate amendment but not the House bill requires the State supplement plan to demonstrate evidence of efforts to identify and make arrangements with other public or nonprofit agencies within the State, employers, natural supports, and other entities to provide extended services.

The House recedes.

63. SUPPORTED EMPLOYMENT (TITLE I FUNDED SERVICES)

The Senate amendment but not the House bill requires assurances that funds under this part will only be used to provide supported employment services authorized under this Act to individuals who are eligible under this part to receive such services; that the comprehensive assessments conducted under section 102(b)(1)(A) of the Senate amendment will include consideration of supported employment as an appropriate rehabilitation objective; that the IWRP will be developed and updated using funds under Title I to specify the supported employment services to be provided, specify the extended services needed, and identify the source of extended employment services or if that cannot be done at the time of development of the IWRP, a statement describing that there is a reasonable expectation that such sources will become available; the State will use funds under this part to supplement, not supplant funds provided under Title I in providing supported employment services; job skills training will be provided on-site.

The House recedes.

63A. SUPPORTED EMPLOYMENT (SERVICES)

The House bill but not the Senate amendment strikes "traditionally time-limited post-employment services leading to supported employment" and inserts "services authorized under this part." The House recedes.

64. SUPPORTED EMPLOYMENT (COORDINATION OF SERVICES)

The House bill makes a technical change in the reference to the Individuals with Disabilities Education Act. The Senate amendment requires that services provided under an IWRP will be coordinated with services provided by other individualized plans established under other State and Federal laws.

The House recedes.

65. SUPPORTED EMPLOYMENT (ADMINISTRATIVE COSTS)

Technical difference.

The House recedes.

66. SUPPORTED EMPLOYMENT (OTHER INFORMATION)

Technical difference.

The House recedes.

67. SUPPORTED EMPLOYMENT (CAREER ADVANCEMENT)

The House bill but not the Senate amendment strikes "rehabilitation potential" and inserts "rehabilitation and career needs", adds "advance" in employment and strikes "rehabilitation potential" and inserts "rehabilitation needs".

The House recedes.

68. SUPPORTED EMPLOYMENT (ON-GOING SUPPORT SERVICES)

The House bill but not the Senate amendment limits on-going support services to a period of time prescribed by the Commissioner; authorizes extended on-going support services to be provided by other State agencies and private organizations or any other available source but stipulates that nothing in this section shall preclude an individual from again receiving post-employment services after the receipt of extended supported employment services.

The House recedes.

69. SUPPORTED EMPLOYMENT (DATA COLLECTION)

Technical difference.

The House recedes.

70. SUPPORTED EMPLOYMENT (SAVINGS PROVISION)

The House bill but not the Senate amendment strikes "Act" and inserts "part" and strikes "time-limited post-employment services leading to supported employment" and inserts "providing supported employment services." The Senate amendment rewrites this provision emphasizing that nothing shall prohibit a State from providing supported employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110.

The House recedes.

71. SUPPORTED EMPLOYMENT (POST-EMPLOYMENT SERVICES)

The Senate amendment but not the House bill provides that nothing in this part shall prohibit a State from providing discrete post-employment services in accordance with the State plan under section 101 using funds through a State allotment under section 110 to an individual who is eligible under this part.

The House recedes.

72. SUPPORTED EMPLOYMENT (AUTHORIZATION OF APPROPRIATIONS)

The House bill authorizes $32,059,000 for fiscal year 1993 and such sums for fiscal years 1994 through 1997. The Senate amendment authorizes such sums for fiscal years 1993 through 1997.

The House recedes.

73. SUPPORTED EMPLOYMENT (TABLE OF CONTENTS)

The Senate amendment but not the House bill makes changes in the table of contents for Part C, Supported Employment.

The House recedes.

COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

1. TITLE

The House bill retains the current title for the part: "Comprehensive Services for Independent Living." The Senate amendment changes the title to: "Centers for Independent Living and Independent Living Services."

The House recedes to the Senate with an amendment changing the title of title VII to "Independent Living Services and Centers for Independent Living".

2. PURPOSE

(a) With minor drafting differences, both the House bill and the Senate amendment revise the purpose section for title VII.

The House recedes.

(b) The House bill and the Senate amendment reverse the order of the first two activities.

The Senate recedes.

(c) The House bill refers to "linkages" and includes a reference to linkages between State independent living rehabilitation service programs. The Senate amendment refers to "working relationships among" various entities.

The Senate recedes to the House with an amendment striking the words "linkages between" and inserting "working relationships".

3. DEFINITIONS

(a) Consumer control

With a minor drafting difference, both the House bill and the Senate amendment define "consumer control."

The House recedes.

(b) Designated State unit

The House bill, but not the Senate amendment, defines "designated State unit" for the purpose of title VII.

The Senate recedes.

(c) Independent living services

(i) Both the House bill and the Senate amendment define independent living services (definition in the Senate amendment is set out in the general definition section).

The House recedes.

(ii)The House bill defines independent living services that are required and then includes those services that are permissive. The Senate amendment uses the term "independent living core services" for those services that are required and "independent living services" for those services that are permissive.

The House recedes.

(iii) The House bill includes "training" in individual and system advocacy as a mandatory service; the Senate amendment refers to "individual and systems advocacy."

The House recedes.

(iv) The House bill, but not the Senate amendment includes a reference to "community group living."

The Senate recedes.

(v) The Senate amendment, but not the House bill, includes training and reference to life skills training under services for those with cognitive and sensory impairments.

The House recedes.

(vi) The Senate amendment includes "personal assistance services." The House amendment includes "personal assistance services, including attendant care."

The Senate recedes.

(vii) The House bill, but not the Senate amendment, includes surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services.

The Senate recedes.

(viii) The House bill, but not the Senate amendment, includes consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with a disability who have been traditionally underserved.

The Senate recedes.

(ix) The House bill, but not the Senate amendment, includes education and training necessary for living in the community and participating in community activities.

The Senate recedes.

(x) The House bill, but not the Senate amendment, includes appropriate job placement.

The House recedes.

(xi) The Senate amendment, but not the House bill, includes reference to supported living.

The House recedes.

(xii) The Senate amendment includes reference to transportation. The House bill includes reference to transportation, including referral and assistance for such transportation.

The Senate recedes.

(xiii) The Senate amendment includes "prostheses"; the House bill includes "needed prostheses".

The Senate recedes.

(xiv) The Senate amendment, but not the House bill, includes "health maintenance."

The Senate recedes.

(xv) The House bill, but not the Senate amendment, includes skills specifically designed for youths with a disability to promote self-awareness and esteem, develop advocacy and self -empowerment skills, and explore career options.

The Senate recedes.

(xvi) The Senate amendment includes reference to "services for children". The House bill includes "services for children, including physical therapy, development of language and communications skills, and child development services."

The House recedes.

(xvii) The House bill, but not the Senate amendment, includes services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity and quality of life of individuals with a disability.

The Senate recedes.

(xviii) The House bill, but not the Senate amendment, includes community awareness programs to enhance the understanding and integration of individuals with a disability.

The Senate recedes.

4. ELIGIBILITY FOR SERVICES

The House bill includes a separate section specifying who is eligible for services under this section, generally restating the definition of "an individual with a severe disability" set out in the general definitions section. The Senate amendment relies on the definition of the term "individual with a severe disability" and specifies eligibility as subsection (e) of the State plan. The House amendment includes a comparable subsection in the State plan.

The Senate recedes to the House with an amendment striking the phrase "individual with a severe disability" and inserting "services may be provided under this chapter to any individual with a severe disability, as defined in section 7(15)(B)."

5. STATE PLAN

(a) Requirement to submit plan

The House bill entitles the subsection "IN GENERAL." The Senate amendment uses the title "ELIGIBILITY."

Senate recedes.

(b) Joint development and submission

(i) The House bill entitles this subsection "JOINT DEVELOPMENT". The Senate amendment entitles this subsection "SUBMISSION."

Senate recedes.

(ii) The House bill refers to "Jointly developed and signed." The Senate amendment refers to "jointly signed."

The Senate recedes.

(c) Periodic review and revision

(i) The House bill entitles this subsection "PERIODIC REVIEW AND REVISION." The Senate amendment entitles this subsection "REVIEW AND REVISION."

The Senate recedes.

(ii) The House bill and the Senate amendment reverse the order regarding the needs in the State.

The Senate recedes.

(iii) The House bill uses the phrase "linkages"; the Senate amendment uses the phrase "working relationships."

The House recedes.

(d) Date of submission, statewide council, designated State unit, objectives

With slightly different wording, both the House bill and the Senate amendment include the above topics in the State plan.

The House recedes.

(e) Independent living services, eligibility

With slightly different wording, both the House bill and the Senate amendment provide for an independent living plan for services under title VII except in certain cases.

(i) The Senate amendment requires that the individual sign a waiver stating that the plan is unnecessary; the House bill allows for the determination by the individual that the plan is unnecessary.

The House recedes.

(ii) The House bill provides for the plan to be agreed upon between the individual and the State and/or services providers; the Senate amendment provides for the agreement with an appropriate staff member of the services provider.

The House recedes.

(f) Scope of services

With slightly different language, both the House bill and the Senate amendment provide for the scope of services. The House bill adds that any arrangements made through grant or contract for providing services must be described in the State plan.

The House recedes to the Senate with an amendment adding at the end of (f): "If the State makes arrangements by grant or contract, for providing such services, such arrangements shall be described in the plan."

(g) Statewide network, award of grants to centers

With slightly different wording, the House bill and the Senate amendment include the above topics in the State plan.

The House recedes.

(h) Cooperation and coordination

(i) With regard to the coordination with other entities, the House bill includes the independent living rehabilitation service programs.

The Senate recedes.

(ii) The Senate amendment refers to "working relationships," while the House bill references "linkages."

The House recedes.

(iii) In terms of coordination between independent living services and centers, the House bill adds that this is in order to avoid unnecessary duplication with other Federal, State, and local programs.

The Senate recedes.

(i) Outreach

The House bill, but not the Senate amendment includes "Minorities and urban and rural areas" as illustrations of unserved and underserved populations.

The Senate recedes.

(j) Assurances

With slightly different wording, both the House bill and the Senate amendment specify assurances that must be made.

(i) The Senate amendment, but not the House bill, specifies that recipients of assistance under this title shall take affirmative action to employ qualified individuals with disabilities.

The House recedes.

(ii) The House bill, but not the Senate amendment, specifies that the entity must submit such reports with respect to such records as the Commissioner determines to be appropriate.

The Senate recedes.

(iii) The Senate amendment includes as an assurance that the applicant must hold public hearings. The House bill includes this provision as a separate provision in the State plan.

The House recedes.

(k) Administrative costs

The Senate amendment, but not the House bill, requires an assurance that no more than 5 percent of the funds available under this title will be used for administrative costs.

The Senate recedes.

6. INDEPENDENT LIVING COUNCIL

(a) Establishment

With slightly different wording, the House bill and the Senate amendment provide for the establishment of Statewide Independent Living Councils. The House bill stipulates that funds under this title shall pay for the Council. See note 8(c) for Senate provision.

The House recedes.

(b) Appointments

(i) With slightly different wording, the House bill and the Senate amendment provide for the appointment of members within 90 days.

The House recedes.

(ii) The House bill specifies that the members will be appointed from organizations representing a broad range of individuals with disabilities; the Senate amendment specifies that the members will be appointed after soliciting recommendations from these organizations.

The House recedes.

(c) Composition

(i) With different wording and location in the bills, both the House bill and the Senate amendment specify that the Council must provide for statewide representation, and the members must represent a broad range of individuals with disabilities and be knowledgeable about centers and services.

The House recedes.

(ii) With slightly different wording, the House bill and the Senate amendment specify the categories of persons that must and may be included.

The House recedes.

(iii) With slightly different wording, the House bill and the Senate amendment specify that the majority of the Council must be individuals with disabilities.

The House recedes.

(d) Chairperson

With slightly different wording, both the House bill and the Senate amendment specify policies governing the appointment of the chairperson.

The House recedes.

(e) Terms of appointment

The Senate amendment, but not the House bill, specifies that council members may only serve two consecutive full terms.

The House recedes.

(f) Vacancies

The Senate amendment, but not the House bill, provides that a vacancy on the council shall not affect the power of the remaining members to perform the duties of the Council.

The House recedes.

(g) Functions/duties

The House bill specifies that the Council shall "jointly" develop and submit the State plan (in conjunction with the designated State unit). The Senate amendment does not include the word "jointly" at the beginning of the sentence.

The Senate recedes.

(h) Hearings and forums

The Senate amendment specifies that the Council is authorized to hold hearings and forums. The House bill specifies under the subsection on "use of funds" that funds may be used for such activities.

The House recedes.

(i) Budget/resource plan

The House bill provides for the development of a budget for the Council and specifies that the Council may hire staff and obtain services of professional, technical, and clerical personnel. The Senate amendment provides for the development of a resource plan that will use, to the maximum extent possible, existing resources. The Senate amendment provides that the Council shall, consistent with State law, supervise and evaluate staff and other personnel.

The House recedes. The Conferees expect that the Council will be fully independent from the State vocational rehabilitation agency even while relying, to the maximum extent possible, on existing resources from the State vocational rehabilitation agency to provide staff and other personnel. The Conferees expect that staff provided by the State vocational rehabilitation agency, when assigned to work for the Council, will work solely on behalf of the Council and will not be assigned duties that create a conflict of interest. The Conferees expect that administrative arrangements made in the State will be consistent with this expectation so that each Council can operate independently.

7. RESPONSIBILITIES OF THE COMMISSIONER

The Senate amendment, but not the House bill, specifies the responsibilities of the Commissioner regarding approval of State plans, indicators, on-site compliance reviews, and reports.

The House recedes.

8. INDEPENDENT LIVING SERVICES PROGRAM

(a) Allotments

(i) With slightly different wording, the House bill and the Senate amendment specifies the policies governing allotments.

The House recedes.

(ii) The House bill sets the minimum allotment at $225,000; the Senate amendment sets the minimum at $275,000.

The House recedes.

(iii) The House bill, provides for the increase in the minimum amount of allotments based on the Consumer Price Index. The Senate amendment provides for an adjustment in the minimum allotment when the appropriations exceed the change in the CPR.

The Senate recedes.

(iv) The House bill and the Senate amendment use different terminology to describe the territories.

The Senate recedes.

(b) Payments to the States

With minor drafting and language differences, both the House bill and the Senate amendment provide for payments to the States and the Federal share. The Senate amendment, but not the House bill, includes cash and a description of in-kind in regard to the State match.

The House recedes.

(c) Authorized uses of grants

(i) With minor drafting and language differences, both the House bill and the Senate amendment specify authorized uses of funds. The House bill uses the term "may use"; the Senate amendment uses the term "shall use."

The Senate recedes.

(ii) The Senate amendment includes support of the Council in this section, the House bill includes it in the section establishing the Council.

The House recedes.

(iii) The House bill authorizes funds "to provide independent living services as defined by this title to individuals with a severe disability." The Senate amendment authorizes such funds "to provide independent living services."

The Senate recedes.

(iv) The House bill, but not the Senate amendment, specifies that minorities and urban and rural populations are included in unserved and cpu populations.

The Senate recedes.

(d) Authorization of appropriations

The House bill authorizes $14,654,000 for part B for 1993 and "such sums" thereafter. The Senate amendment authorizes "such sums" for the duration of the reauthorization.

The House recedes.

9. CENTERS FOR INDEPENDENT LIVING

(a) Definitions

The House bill, referring to an "eligible organization" and the Senate amendment, referring to an "eligible agency", both include the same definition.

The House recedes.

(b) Program authorization

The Senate amendment, but not the House bill, provides that from the funds appropriated, the Commissioner for fiscal year 1994 and thereafter shall allot such sums as may be necessary in accordance with the policies described below.

The House recedes.

(c) Allotments

(i) With slightly different wording, the House bill and the Senate amendment specify policies governing allotments.

The House recedes.

(ii) The House bill specifies that a "State shall be entitled to an allotment." The Senate amendment specifies that the "Commissioner shall make an allotment."

The House recedes.

(iii) The House bill provides for a minimum allotment of $275,000 while the Senate amendment provides a minimum of $500,000.

The House recedes to the Senate with an amendment striking "$500,000" and inserting $400,000 when the appropriation is $4 million or greater than the fiscal year 1992 appropriation for part B of title VII in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992 and $450,000 when the appropriation is $8 million or greater than the fiscal year 1992 appropriation under such part.

(iv) The House bill provides for maintenance of the fiscal year 1993 level while the Senate bill provides for maintenance of the 1992 level.

The House recedes.

(v) The House bill and the Senate amendment use different terminology to describe the territories.

The Senate recedes.

(vi) The Senate amendment, but not the House bill, provides for an inflation adjustment for minimum allotment States if the funds appropriated exceed the change in the Consumer Price Index.

The House recedes to the Senate with an amendment clarifying that the adjustment for inflation may begin with respect to making allotments for fiscal year 1994 and subsequent fiscal years.

(vii) The House bill provides for a proportional reduction in order to prevent a State receiving less than $200,000 while the Senate makes the same provision where a State would receive less than $500,000.

The House recedes to the Senate with an amendment striking "500,000" and inserting a reference to the minimums in note (9)(c)(iii).

(viii) Both the House bill and the Senate amendment provide for a reservation of funds for training and technical assistance. The Senate amendment provides for the reservation of the amount of the excess over the prior year's appropriation or $550,000 or 2% whichever is greater while the House bill provides for a 2% set aside.

The House recedes to the Senate with an amendment specifying that the amount must be between 1.8 percent and 2 percent.

(ix) The House bill provides for the review of grant applications by review panels "who have experience and knowledge in independent living programs." The Senate amendment specifies that such individuals must "have experience in the operation of centers for independent living."

The House recedes.

(x) With the minor difference that the House references this part and the Senate references this title, both the House bill and the Senate amendment prohibit the combining of funds.

The House recedes.

(d) Standards and assurances for centers

(i) The House bill, but not the Senate amendment, specifies that individuals with all different types of disabilities includes those who are unserved or cpu.

The Senate recedes.

(ii) With respect to goals, the House bill uses the term "facilitate" and the Senate amendment uses the term "assist".

The Senate recedes.

(iii) The Senate amendment specifies that centers must provide independent living core services and may provide other services; the House bill specifies that centers must provide independent living services.

The House recedes.

(iv) The Senate amendment, but not the House bill, provides that the centers must conduct resource development activities to obtain funding from sources other than title VII.

The House recedes.

(v) The House bill, but not the Senate amendment, specifies that with respect to affirmative action, the applicants for funds must comply with section 504 of this Act as well as section 503.

The House recedes.

(vi) The House bill, but not the Senate amendment, specifies that outreach to unserved and cpu populations should especially include those who are minorities and urban and rural populations.

The Senate recedes.

(vii) The House bill, but not the Senate amendment, specifies that training of unserved and cpu should include minorities and urban and rural populations.

The Senate recedes to the House with a technical amendment fixing the cross reference in assurance (12). The reference should be to (8), not (7).

(viii) The House bill specifies that the individual may determine that he or she does not need an independent living plan; the Senate amendment requires that the individual waive the plan in writing.

The House recedes.

(ix) The House bill, but not the Senate amendment, specifies that no funds may be allotted unless the Center is in compliance with the standards and assurances.

The Senate recedes.

(e) Grants to centers for independent living in States in which Federal funding exceeds State funding

(i) With different language, both the House bill and the Senate amendment specify that the Commissioner shall award grants to centers where the Federal funds for centers exceeds the State funds for centers.

The House recedes.

(ii) With two minor differences, both the House bill and the Senate amendment specify who is an eligible entity, existing eligible entities, new centers for independent living, and the order of priorities. The differences are that the House refers to eligible organizations and the Senate refers to eligible agencies and uses cross references.

The House recedes.

(iii) The Senate amendment, but not the House bill, specifies that priority shall be given to applications proposing to serve unserved or cpu areas of the State identified in the State plan.

The House recedes.

(iv) The Senate amendment, but not the House bill, specifies that centers receiving funds under part A of current law (or part B under the amendments) will be eligible to receive funds as a new center.

The House recedes.

(v) Both the House bill and the Senate amendment require the Commissioner to review the centers with the difference that the House bill requires the review "annually" and the Senate amendment requires the review "periodically".

The House recedes.

(vi) With minor drafting differences, both the House bill and the Senate amendment provide for termination of funds if the center fails to comply with the standards and assurances.

The House recedes.

(f) Grants to centers for independent living in States in which State funding equals or exceeds Federal funding

(i) Although worded differently, both the House bill and the Senate amendment provide that the director of the State unit may award grants to the centers in States where the State funding for centers equals or exceeds the Federal funds for centers. The Senate amendment authorizes the Commissioner to establish, by regulation, the proper fiscal year.

The House recedes to the Senate with an amendment to section 723(a)(1)(A)(i), as added by the Senate amendment, inserting after the section reference the following: "Beginning on October 1, 1993,".

(ii) Although worded differently, both the House bill and the Senate amendment provide for how determinations of who will award grants in subsequent years will be made in cases where the State does not continue to fund the centers at a level greater than the Federal funding.

The House recedes.

(iii) With drafting differences, both the House bill and the Senate amendment provide the procedure for the State to become the grantor of funds for centers and for the Commissioner to award the grants if the State does not apply to do so.

The House recedes.

(iv) With two minor differences, both the House bill and the Senate amendment specify who is an eligible entity, existing eligible entities, new centers for independent living, and the order of priorities. The differences are that the House refers to "eligible organizations" and the Senate refers to "eligible agencies" and uses cross references.

The House recedes.

(v) The Senate amendment, but not the House bill, specifies that centers receiving funds under part A of current law (or part B under the amendments) will be eligible to receive funds as a new center.

The House recedes.

(vi) Both the House bill and the Senate amendment require the director to review the centers with the difference that the House bill requires the review "annually" and the Senate amendment requires the review "periodically."

The House recedes.

(vii) The Senate amendment provides that funds will be terminated on the date of a final determination in cases of noncompliance unless the center submits a plan for compliance within 90 days and the plan is approved. The House bill provides that funds will be terminated within 90 days unless the center sooner complies with the standards and assurances.

The House recedes.

(viii) The House bill, but not the Senate amendment, specifies that a copy of the onsite compliance review shall be provided to the Commissioner. The Senate amendment uses the term "employee of a State agency." The House bill uses the term "employee of the State Vocational Rehabilitation Agency."

The Senate recedes with an amendment specifying an employee of the designated State agency.

(g) Centers operated by State agencies

The Senate amendment, but not the House bill, provides for certain centers operated by State agencies to continue to be eligible for funding under specified circumstances.

The House recedes.

(h) Authorization of appropriations

The House bill authorizes $29,928,000 for fiscal year 1993 and such sums thereafter for this section. The Senate amendment provides such sums for fiscal years 1993 through 1997.

The House recedes.

(i) Transition rules for fiscal year 1993

The House bill and the Senate amendment provide for transition to the new standards somewhat differently. These differences include: The House bill provides that centers must either comply with the standards or submit a plan for meeting the requirements by October 1, 1993. The Senate has a similar provision but only for those centers receiving funds in fiscal year 1992. With different language, both the House bill and the Senate amendment provide that centers receiving funds in fiscal year 1992 will be given priority. The Senate amendment, but not the House bill, specifies that agencies that did not receive funds in fiscal year 1992 must meet the standards and assurances.

The House recedes.

(j) Effective date

The Senate amendment, but not the House bill, specifies the effective date for this part.

The Senate recedes to the House and the House recedes to the Senate with an amendment authorizing the Commissioner to delay the effective date of the amendments to section 703 of the Act (pertaining to the State plan) made by the Rehabilitation Act Amendments of 1992 to no later than October 1, 1993.

10. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

(a) Placement in the act

The House bill continues to include this program in title VII; the Senate amendment places this program in title III.

The Senate recedes.

(b) Purpose

The House bill provides that the Commissioner may make grants for the purpose of providing services to older blind individuals; the Senate amendment provides that the grants are to provide independent living services and related services to older individuals who are blind to adjust to blindness by becoming more able to care for individual needs.

The Senate recedes.

(c) Definition

Although worded somewhat differently, both the House bill and the Senate amendment provide a definition of an older individual who is blind. The House bill uses the phrase older blind individual throughout while the Senate amendment uses the phrase older individual who is blind. The House bill uses the term "gainful employment"; the Senate amendment uses the term "competitive employment".

The House recedes.

(d) Designated State unit

The House bill, but not the Senate amendment, provides that the grant under this section must be administered solely by the designated State unit authorized to provide vocational rehabilitation services to the adult blind.

The Senate recedes.

(e) Competitive, formula grant

The House bill, but not the Senate amendment, provides that if the funds for this section equal or exceed $13,000,000 then the funds will be allotted to the States by formula.

The Senate recedes to the House with an amendment striking "In the case of any fiscal year" and inserting the phrase, "Beginning with fiscal year 1994, in the case of any fiscal year".

(f) Services authorized

(i) The House bill requires that the States agree to expend funds only to provide independent living services to older blind individuals, to conduct activities to improve or expand the services for such individuals and to improve public understanding of such individuals. The Senate amendment requires that the State expend the funds to provide independent living skills training, information and referral services, peer counseling, and individual advocacy training.

The Senate recedes to the House with an amendment adding to subsection (d) an additional paragraph that reads: "(7) independent living services including independent living skills training, information and referral services, peer counseling, and individual advocacy training:".

(ii) With minor drafting differences, both the House bill and the Senate amendment list independent living services that may be provided. The Senate amendment, but not the House bill also includes "other independent living services" in addition to those listed.

The House recedes.

(g) Matching funds

The House bill, but not the Senate amendment, specifies special rules for matching.

The Senate recedes.

(h) Grants to nonprofits

The House bill and the Senate amendment in different places and using slightly different language, authorize States to make grants to nonprofits. The Senate amendment, but not the House bill, provides that the State may make grants to other entities to conduct activities to improve or expand services and help improve public understanding and to provide independent living and related services.

The Senate recedes.

(i) State plan

The House bill, but not the Senate amendment, specifies that the State must seek to incorporate in the State plan any new methods and approaches relating to independent living services for older blind individuals.

The Senate recedes.

(j) Applications

With slightly different language both the House bill and the Senate amendment provide general requirements for applications under this part. The Senate amendment, but not the House bill, provides for the contents of the application.

The Senate recedes to the House with an amendment adding the paragraph (e)(2) relating to the specific contents of the grant application.

(k) State allotments

The House bill, but not the Senate amendment, provides for the amount of the formula grant in the event that the trigger is reached.

The Senate recedes.

(l) Authorization of appropriations

The House bill authorizes $6,713,000 for fiscal year 1993 and such sums thereafter. The Senate amendment authorizes such sums throughout the reauthorization period.

The House recedes.

HELEN KELLER NATIONAL CENTER AND AMENDMENTS TO OTHER ACTS

1. CONGRESSIONAL FINDINGS (INCIDENCE)

Technical difference.

The House recedes.

2. CONGRESSIONAL FINDINGS (INVESTMENT)

Technical difference.

The House recedes.

3. CONTINUED OPERATION OF CENTER (GENERAL)

The Senate amendment, but not the House bill, strikes the repeal of an obsolete provision and renumbers the subsequent provisions.

The House recedes.

4. CONTINUED OPERATION OF CENTER (PRIOR OPERATION)

Technical difference.

The House recedes.

5. CONTINUED OPERATION OF CENTER (CROSS-REFERENCE)

The Senate amendment, but not the House bill, amends a subsection reference, occasioned by the deletion in note 3.

The House recedes.

6. PURPOSES OF CENTER (NATIONAL REGISTRY)

The Senate amendment, but not the House bill, adds the requirement to maintain a national registry on information and data.

The Senate recedes.

7. ENDOWMENT FUND (PLACEMENT)

Technical difference, since the House adds the endowment provision in the middle of the Act and the Senate adds the provision at its end.

The House recedes.

8. ENDOWMENT FUND (ESTABLISHMENT)

Technical difference.

The House recedes.

9. ENDOWMENT FUND (FEDERAL PAYMENTS)

Technical difference involving citation of subsections.

The House recedes.

10. ENDOWMENT FUND (LAW GOVERNING)

The House bill uses the law of the State of New York.

The Senate amendment uses the law of the District of Columbia.

The Senate recedes.

11. ENDOWMENT FUND (CONFLICT OF INTEREST)

The Senate amendment, but not the House bill, includes a provision on conflict of interest.

The House recedes.

12. ENDOWMENT FUND (ENCUMBRANCE OF CORPUS)

The Senate amendment, but not the House bill, includes a provision prohibiting the encumbrance of the corpus.

The House recedes.

13. ENDOWMENT FUND (CORPUS EXPENDITURE)

The Senate amendment, but not the House bill, specifically authorizes the use of all monies after the expiration of the 20 year period. Also, some technical drafting differences.

The House recedes.

14. ENDOWMENT FUND (INCOME)

The House bill uses the term "accumulated endowment fund income".

The Senate amendment uses the term "aggregate Endowment Fund income earned prior to the time of withdrawal or expenditure."

The House recedes.

15. ENDOWMENT FUND (WAIVER OF LIMITATIONS)

Technical difference.

The House recedes.

16. ENDOWMENT FUND (WAIVER CIRCUMSTANCES)

The House bill allows the Secretary to waive the 50 percent limitation on withdrawals where "* * * the Secretary determines * * *" same is a "necessary response to exceptional or uncontrollable circumstances * * *".

The Senate amendment allows the Secretary to waive the 50 percent limitation on withdrawals where "* * * the Center demonstrates to the Secretary's satisfaction * * *" that a specific set of circumstances has occurred or been met.

The House recedes.

17. ENDOWMENT FUND (REPORTING REQUIREMENTS)

The Senate amendment, but not the House bill, contains specific requirements on reporting and financial records.

The House recedes.

18. ENDOWMENT FUND (CORPUS DEFINED)

Technical difference.

The House recedes.

19. ENDOWMENT FUND (AUTHORIZATION OF APPROPRIATIONS)

The Senate amendment, but not the House bill, contains a separate authorization of appropriations.

The House recedes.

20. HELEN KELLER NATIONAL CENTER (AUTHORIZATION OF APPROPRIATIONS)

The House recedes.

21. DEFINITIONS (GENERAL)

The Senate amendment, but not the House bill, strikes the reference to the Rehabilitation Act.

The House recedes.

22. DEFINITIONS (VISUAL CRITERIA)

Technical difference—the House and Senate use different terms to define the same physical condition.

The House recedes with a technical amendment striking the phrase "or, if there is a field defect, central acuity of 20/200" and inserting "or a field defect".

23. DEFINITIONS (HEARING CRITERIA)

Technical difference.

The House recedes.

24. DEFINITIONS (FUNCTIONAL CRITERIA)

The Senate amendment, but not the House bill, adds the caveat that the combination of loss of vision and hearing are causing extreme difficulty in attaining independence, achieving psychosocial adjustment or obtaining a vocation.

The House recedes.

25. DEFINITIONS (PERFORMANCE ASSESSMENT)

Technical difference in referring to those who cannot be diagnosed accurately due to cognitive or behavioral conditions, and the Senate includes a requirement for functional and performance assessment in making that determination.

The House recedes.

26. DEFINITIONS (SECRETARIAL DEFINITION)

Technical difference in describing the Secretary's authority to define the term further.

The House recedes.

27. CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

Technical difference.

The House recedes.

28. INDIVIDUALS WHO ARE DEAF-BLIND

The Senate amendment, but not the House bill, makes a number of technical changes to the Act to conform terms.

The House recedes.

29. BUDGET ENFORCEMENT ACT

The House bill, but not the Senate amendment, adds a Budget Enforcement Act compliance provision providing a cap for programs in the Budget Enforcement Act account for Rehabilitation Services and Disability Research.

The House recedes.

30. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

The Senate amendment, but not the House bill, amends terms in the Wagner-O'Day Act and the Small Business Act.

The House recedes.

31. INDIVIDUALS WITH DISABILITIES EDUCATION ACT (TRAINING)

The Senate amendment, but not the House bill, amends the Individuals with Disabilities Education Act to authorize the training or retraining of regular teachers involved with individuals who are deaf in meeting the communication needs of such individuals. (See note 87 under "Supplementary Service and Community Rehabilitation Programs/Training and Demonstration Projects".)

The House recedes.

32. INDIVIDUALS WITH DISABILITIES EDUCATION ACT (SERIOUS EMOTIONAL DISTURBANCE)

The Senate amendment, but not the House bill, requires the Secretary of Education to issue a public Notice of Inquiry on the definition of "serious emotional disturbance", as used in the Individuals with Disabilities Education Act and the need for, and desirability of, amendment to same. A definition to be used in the solicitation of public comment is included and other administrative caveats are included. A report to Congress is required.

The House recedes to the Senate with an amendment striking in (b)(4) the phrase "within 7 months after the end of the comment period," and inserting "within 10 months after the date of enactment of this Act,".

33. TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT

The Senate amendment, but not the House bill, amends the Technology Related Assistance for Individuals With Disabilities Act of 1988 by including institutions of higher education as entities eligible to receive funding.

The House recedes.

34. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

The Senate amendment, but not the House bill, makes a number of amendments to the Joint Resolution authorizing an appropriation for the work of the Presidents Committee on National Employ the Physically Handicapped Week relating to terms, policy direction and authorization of appropriation.

The House recedes.

WILLIAM D. FORD,
PAT WILLIAMS,
MAJOR R. OWENS,
DONALD M. PAYNE,
JOSÉ E. SERRANO,
WM. JEFFERSON,
ED PASTOR,
BILL GOODLING,
CASS BALLENGER,
SCOTT KLUG,
RANDY "DUKE" CUNNINGHAM,
Managers on the Part of the House.

EDWARD M. KENNEDY,
TOM HARKIN,
HOWARD M. METZENBAUM,
PAUL SIMON,
BROCK ADAMS,
ORRIN HATCH,
DAVE DURENBERGER,
JIM JEFFORDS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

Mr. SENSENBRENNER (at the request of Mr. MICHEL), for today and until 12 noon tomorrow, on account of a death in the family.

Mr. BLACKWELL (at the request of Mr. GEPHARDT), for today, on account of official business.

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. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 5 minutes, on October 5.

Mr. HASTERT, for 60 minutes, today.

Mr. BUNNING, for 60 minutes, on October 3.

Mr. ROGERS, for 60 minutes, on October 3.

(The following Members (at the request of Mr. KOLTER) to revise and extend their remarks and include extraneous material:)

Mr. HAYES of Illinois, for 5 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mrs. UNSOELD, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes each day, for today and October 3, 4, and 5.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. NATCHER, for 60 minutes each day, on October 3 and 4.

Mr. ROSE, for 60 minutes, on October 3.

Mr. TAUZIN, for 60 minutes each day, on October 3, 4, and 5.

Ms. NORTON, for 60 minutes each day, on October 3, 4, and 5.

Mr. JOHNSON of Texas, for 60 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. WELDON.
Mr. GEKAS.
Mrs. MORELLA.
Mr. SPENCE.
Mr. ZIMMER.
Mr. COUGHLIN.
Mr. BEREUTER.
Mr. SOLOMON in two instances.
Mr. GALLO.
Mr. CRANE.
Mr. GINGRICH.
Mr. OXLEY.
Mr. DANNEMEYER.
Mr. BLAZ.
Mr. RIDGE.
Ms. MOLINARI in two instances.
Mr. BARTON of Texas.
Mr. BLILEY in two instances.
Mr. CAMPBELL of California.
Mr. GILMAN in two instances.
Mr. GREEN of New York in three instances.
Mr. COMBEST.
Mr. GOODLING.
Mr. BALLENGER.
Mr. DREIER of California.

(The following Members (at the request of Mr. KOLTER) and to include extraneous matter:)

Mrs. LOWEY of New York.
Mr. FASCELL in five instances.
Mr. EARLY.
Mr. LEHMAN of California.
Mr. CONDIT.
Mr. NATCHER.
Mr. ROE in two instances.
Mr. DURBIN.
Mr. HAMILTON.
Mr. HUBBARD.
Mr. NEAL of Massachusetts in two instances.
Mr. YATES.
Mr. LIPINSKI in two instances.
Mr. LANTOS in two instances.
Mr. PANETTA in two instances.
Mr. MORAN.
Ms. OAKAR.
Mr. KILDEE.
Mr. SANGMEISTER.
Mr. SKELTON.
Mr. YATRON.
Mr. GEJDENSON in two instances.
Mr. TAUZIN.
Mr. MURTHA.
Mr. KOSTMAYER.
Mrs. BYRON.
Mr. ANDREWS of Texas.
Mr. WYDEN.
Mr. SANDERS.
Mr. SOLARZ.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 20. An act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes; to the Committees on Government Operations and Rules.

S. 1664. An act to establish the Keweenaw National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1893. An act to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3100. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1628. An act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes.

H.R. 3508. An act to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes.

H.R. 4178. An act 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.

H.R. 5673. An act to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research.

H.J. Res. 320. Joint resolution authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with Union forces during the Civil War.

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 52 minutes a.m.), the House adjourned until today, Saturday, October 3, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4347. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a feasibility study on authorizing insured and uninsured deposit accounts through a so-called "two-window" system, pursuant to Public Law 102-242, section 321(c) (105 Stat. 2370); to the Committee on Banking, Finance, and Urban Affairs.

4348. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Assistance to States for the Education of Children with Disabilities Program and Preschool Grants Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4349. A letter from the Acting Assistant Secretary of State (Legislative Affairs), transmitting a memorandum of Justification for Presidential determination regarding the drawdown of defense articles and services for disaster relief to Pakistan, pursuant to Public Law 101-513, section 574(b) (104 Stat. 2042); to the Committee on Foreign Affairs.

4350. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on the District of Columbia. H.R. 5811. A bill to create a Supreme Court for the District of Columbia, and for other purposes (Rept. 102-975). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 592. Resolution waiving points of order against the conference report to accompany the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," and against the consideration of such conference report (Rept. No. 102-976). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 593. Resolution providing for consideration of the bill (S. 2681) relating to native Hawaiian health care, and for other purposes (Rept. 102-977). Referred to the House Calendar.

Mr. DE LA GARZA: Committee of Conference. Conference report on H.R. 707 (Rept. 102-978). Ordered to be printed.

Mr. ROSE: Committee on House Administration. H.R. 5575. A bill to authorize certain uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress and for other purposes; with amendments (Rept. 102-979). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4363. A bill to amend title 11 of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; with an amendment (Rept. 102-980). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4797. A bill to direct the U.S. Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes (Rept. 102-981). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 5304. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court; with an amendment (Rept. 102-982). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 5602. A bill granting the consent of the Congress to the Interstate Rail Passenger Network Compact (Rept. 102-983). Referred to the House Calendar.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1126. A bill to extend the coverage of certain Federal labor laws to foreign flagships; with an amendment (Rept. 102-984, Pt. 1). 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. 3927. Referral to the Committee on Ways and Means extended for a period ending not later than October 6, 1992.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of title X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 6092. A bill to amend the Agricultural Act of 1949 with respect to the use of certain foreign currency proceeds; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 6093. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, and 1995, and for other purposes; jointly, to the Committees on Public Works and Transportation, Science, Space, and Technology, and Ways and Means.

By Mr. GONZALEZ (for himself and Mr. WYLIE):

H.R. 6094. A bill to improve supervision and regulation with respect to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SWETT:

H.R. 6095. A bill to amend title IX of the Federal Property and Administrative Services Act of 1949 to provide an architectural and engineering design competition for the construction, renovation, and repair of certain public buildings, and for other purposes; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. WYDEN:

H.R. 6096. A bill to provide for the certification of ambulatory surgery and emergency care facilities; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CAMPBELL of Colorado (for himself, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. BLACKWELL, Ms. NORTON, Mr. HOCHBRUECKNER, Mr. ESPY, Mr. RANGEL, Mr. FROST, Mr. MILLER of California, Mr. RHODES, Mr. HORTON, Mr. BEREUTER, Mr. PETERSON of Minnesota, Mrs. UNSOELD, Mr. DORGAN of North Dakota, Mr. HAYES of Illinois, Mrs. MINK, Mr. HERTEL, and Mr. BUSTAMANTE):

H.R. 6097. A bill to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DREIER of California:

H.R. 6098. A bill to prohibit direct Federal financial benefits and unemployment benefits for illegal aliens and to end Federal mandates for States to provide benefits for illegal aliens; to the Committee on the Judiciary.

By Mr. EMERSON:

H.R. 6099. A bill to remove inappropriate limitations on work requirements and to enhance waiver authority for welfare reform demonstration projects for the Food Stamp Program; to the Committee on Agriculture.

By Mr. GEKAS:

H.R. 6100. A bill to reform the United States health care delivery and financing system, to increase access to health care and affordable health insurance, to contain costs of health care in a manner that improves health care, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, the Judiciary, Education and Labor, and Rules.

By Mr. HENRY (for himself and Mr. ANDREWS of New Jersey):

H.R. 6101. A bill to amend the Occupational Safety and Health Act to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes; to the Committee on Education and Labor.

By Mr. HUNTER:

H.R. 6102. A bill to facilitate the providing of loan capital to and investments in residential homebuilders and other small business concerns, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MILLER of Washington:

H.R. 6103. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Wenatchee River in Washington as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of Washington:

H.R. 6104. A bill to amend title 31, United States Code, to reduce the time period within which a member of the uniformed services or a Federal employee may make a claim against the Federal Government for losses to personal property incident to service when the personal property is in a commercial shipment or storage arranged or reimbursed by the Government; to the Committee on the Judiciary.

By Mr. NEAL of North Carolina:

H.R. 6105. A bill to establish a cabinet-level interagency task force to develop a comprehensive legislative proposal that coordinates and reforms all Federal programs that provide assistance to individuals with limited incomes; to the Committee on Government Operations.

By Mr. PAXON:

H.R. 6106. A bill to amend the Internal Revenue Code of 1986 to reduce capital gains taxes, to reinstate a 5-percent investment tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. RIDGE (for himself, Mr. SCHULZE, Mr. MCDADE, Mr. MURPHY, Mr. CLINGER, Mr. SANTORUM, Mr. WELDON, Mr. YATRON, Mr. FOGLIETTA, Mr. SHUSTER, Mr. GEKAS, and Mr. GAYDOS):

H.R. 6107. A bill to amend section 123 of the Housing and Urban-Rural Recovery Act of 1983 to require coordination with community development funding organizations in carrying out eligible neighborhood development activities under the neighborhood development program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RITTER (for himself and Mr. GINGRICH):

H.R. 6108. A bill to establish a Bipartisan Commission on Total Quality Government; jointly, to the Committees on Government Operations House Administration, and Post Office and Civil Service.

By Mrs. SCHROEDER:

H.R. 6109. A bill to amend the Public Health Service Act to provide for grants to immunize children against vaccine-preventable diseases through programs established in elementary schools; to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. EMERSON, and Mr. ARMEY):

H.R. 6110. A bill to authorize five local pilot projects for the development of community opportunity systems to demonstrate the potential for improving economic opportunity for low-income residents of the community through restructured programs providing services and benefits, and for meeting the identified priorities of the community and the needs of the individuals and families to be served; to the Committee on Government Operations.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, and Mr. GRANDY):

H.R. 6111. A bill to amend parts A and F of title IV of the Social Security Act to remove certain limitations on employment-related programs, to strengthen the requirement to cooperate in paternity establishment, and for other purposes; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. BOEHNER, and Mr. HERGER):

H.R. 6112. A bill to amend the Egg Research and Consumer Information Act, to accomplish an expansion of exemption eligibility from assessments under this act and to authorize increased assessment rates if approved by producers; to the Committee on Agriculture.

By Mr. VALENTINE:

H.R. 6113. A bill to amend the Federal Transit Act, the Airport and Airway Improvement Program Act of 1982, and title 23, United States Code, to provide for utilization of the latest available census data in the administration of certain transportation programs; to the Committee on Public Works and Transportation.

By Mr. WALKER (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. BLILEY, Mr. CAMPBELL of California, Mr. COBLE, Mr. FAWELL, Mr. GOSS, Mr. LEWIS of Florida, Mr. PACKARD, Mr. RHODES, Mr. RITTER, Mr. ROHRABACHER, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. ZIMMER, Mr. DORNAN of California, Mr. EWING, Mr. BALLENGER, Mr. IRELAND, Mr. CAMP, Mr. HANCOCK, Mr. SANTORUM, Mr. OXLEY, Mr. RAVENEL, Mr. GEKAS, Mr. DOOLITTLE, Mr. KOLBE, Mr. NUSSLE, Mr. BARTON of Texas, Mr. ALLEN, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. ZELIFF, and Mr. HEFLEY):

H.R. 6114. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; jointly, to the Committee on Ways and Means and Government Operations.

By Mr. DURBIN:

H.J. Res. 558. Joint resolution congratulating the Springfield Commission on International Visitors for 30 years of superb service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. DAVIS, Mr. FIELDS, and Mr. YOUNG of Alaska):

H.J. Res. 559. Joint resolution honoring the Coast Guard Women's Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. LEWIS of Georgia (for himself and Mr. BROOMFIELD):

H. Con. Res. 370. Concurrent resolution concerning the humanitarian crisis in Somalia; to the Committee on Foreign Affairs.

By Mr. OWENS of New York:

H. Con. Res. 371. Concurrent resolution to make corrections in the enrollment of the bill, H.R. 5482; considered and agreed to.

By Mr. DELAY:

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress that the Postmaster General should not issue a commemorative postage stamp in honor of any individual who, at the time of his death, was a member of the Communist Party or was no longer a citizen of the United States because he had renounced his citizenship; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI (for himself and Mr. BURTON of Indiana):

H. Con. Res. 373. Concurrent resolution expressing the sense of the Congress that the President should prohibit the acquisition of Allison Transmission, a division of General Motors Corp., by a foreign person; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Foreign Affairs.

By Mr. MARTINEZ:

H. Res. 594. Resolution relating to the consideration of the Senate amendment to H.R. 5194; rules suspended; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 117: Mr. COMBEST and Mr. JONTZ.

H.R. 701: Mr. CAMPBELL of California.

H.R. 811: Mr. COX of California.

H.R. 875: Mr. COX of Illinois.

H.R. 1188: Mr. KOSTMAYER.

H.R. 1622: Mr. JENKINS.

H.R. 1886: Mr. SCHAEFER.

H.R. 2164: Mr. CAMP, Mr. BREWSTER, Mr. PANETTA, and Mr. GILLMOR.

H.R. 2348: Mr. PAXON.

H.R. 2511: Mr. LEHMAN of California.

H.R. 2528: Mr. JAMES.

H.R. 2595: Mr. CAMPBELL of California.

H.R. 2618: Mr. ROE, Mr. MINETA, Mr. HANSEN, Mr. DURBIN, Mrs. KENNELLY, Mr. SPENCE, Mr. SKEEN, Mr. BRUCE, and Mr. FAZIO.

H.R. 2643: Mr. CAMPBELL of California.

H.R. 2695: Mr. SHAYS.

H.R. 3056: Mr. SIKORSKI.

H.R. 3102: Mr. TRAFICANT, Mr. COLORADO, and Mrs. COLLINS of Illinois.

H.R. 3517: Mr. WALSH, Mr. HAYES of Illinois, Mr. KLUG, and Mr. SARPALIUS.

H.R. 3518: Mr. BILIRAKIS.

H.R. 3780: Mr. CAMPBELL of California.

H.R. 3801: Mr. FISH.

H.R. 4182: Mr. CAMPBELL of California and Mr. STUMP.

H.R. 4207: Mr. ORTON and Mr. POSHARD.

H.R. 4224: Mr. CAMPBELL of California.

H.R. 4271: Mr. TOWNS.

H.R. 4315: Mr. CAMPBELL of California.

H.R. 4385: Mr. ENGEL.

H.R. 4457: Mrs. LOWEY of New York.

H.R. 4530: Mr. CAMPBELL of California.

H.R. 4585: Mr. SHAYS.

H.R. 4684: Mr. CAMPBELL of California.

H.R. 4749: Mr. CAMPBELL of California.

H.R. 4764: Mr. MCCRERY, Mr. KANJORSKI, Mr. DUNCAN, Mr. STUMP, Mr. MCMILLEN of Maryland, and Mr. RHODES.

H.R. 4851: Mr. CAMPBELL of California.

H.R. 4852: Mr. CAMPBELL of California and Mr. COX of California.

H.R. 4853: Mr. CAMPBELL of California and Mr. COX of California.

H.R. 4854: Mr. COX of California.

H.R. 4857: Mr. CAMPBELL of California.

H.R. 4859: Mr. CAMPBELL of California.

H.R. 4860: Mr. COX of California.

H.R. 4861: Mr. COX of California.

H.R. 4862: Mr. COX of California.

H.R. 4863: Mr. COX of California.

H.R. 4864: Mr. COX of California and Mr. CAMPBELL of California.

H.R. 4865: Mr. CAMPBELL of California.

H.R. 4866: Mr. CAMPBELL of California.

H.R. 4868: Mr. CAMPBELL of California.

H.R. 4869: Mr. CAMPBELL of California and Mr. COX of California.

H.R. 4870: Mr. CAMPBELL of California.

H.R. 4871: Mr. CAMPBELL of California and Mr. COX of California.

H.R. 4872: Mr. CAMPBELL of California and Mr. COX of California.

H.R. 4875: Mr. CAMPBELL of California and Mr. COX of California.

H.R. 4876: Mr. COX of California.

H.R. 4878: Mr. CAMPBELL of California.

H.R. 5003: Mr. COX of California.

H.R. 5106: Mr. GOSS.

H.R. 5201: Mrs. LLOYD.

H.R. 5208: Mr. MOODY.

H.R. 5216: Mr. BROWDER, Mr. ZELIFF, and Mr. INHOFE.

H.R. 5266: Mr. LEHMAN of California and Mr. FROST.

H.R. 5294: Mr. PAYNE of Virginia and Mr. BUSTAMANTE.

H.R. 5297: Mr. ROTH, Mr. FISH, Mr. KLUG, Mr. MCCLOSKEY, Mrs. LLOYD, Mr. SHAW, Mr. DREIER of California, Ms. SNOWE, Ms. KAPTUR, Mr. WILLIAMS, Mr. ROSE, Mr. LIVINGSTON, and Ms. LONG.

H.R. 5320: Mr. TOWNS.

H.R. 5357: Mr. SKAGGS and Mr. MORAN.

H.R. 5364: Mr. RANGEL and Mr. SERRANO.

H.R. 5367: Mr. ROWLAND, Mr. RAVENEL, Mr. OWENS of Utah, Mr. LAGOMARSINO, Mr. WOLPE, Mr. BACCHUS, and Mr. MCNULTY.

H.R. 5398: Mr. MATSUI.

H.R. 5449: Mr. SHAYS, Mr. PAXON, and Mr. OLVER.

H.R. 5526: Mr. DORNAN of California, Mr. SKEEN, Mr. BLAZ, and Mr. MACHTLEY.

H.R. 5580: Mr. HAYES of Illinois.

H.R. 5593: Mr. RHODES.

H.R. 5613: Mr. RANGEL and Mr. MARKEY.

H.R. 5680: Mr. GUARINI, Mr. TORRICELLI, Mrs. SCHROEDER, Mr. GONZALEZ, and Mr. MANTON.

H.R. 5709: Mr. CRANE.

H.R. 5732: Mr. HANCOCK and Mr. CAMP.

H.R. 5772: Mr. ZELIFF and Mr. NUSSLE.

H.R. 5783: Mr. MACHTLEY and Mr. EDWARDS of California.

H.R. 5842: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BONIOR, Mr. BROOMFIELD, Mr. BACCHUS, Mr. CHAPMAN, Mr. CARPER, Mr. DINGELL, Ms. DELAURO, Mr. DELAY, Mr. FRANKS of Connecticut, Mr. GEPHARDT, Mr. GRANDY, Mr. GOODLING, Mr. GINGRICH, Mr. HEFNER, Mr. HENRY, Mr. KYL, Mr. MATSUI, Mr. MCNULTY, Mr. MONTGOMERY, Mr. MINETA, Mr. MICHEL, Mr. OBERSTAR, Ms. OAKAR, Mr. PETERSON of Florida, Mr. PURSELL, Mr. ROSE, Mr. RAY, Mr. RICHARDSON, Mr. ROBERTS, Mrs. ROUKEMA, and Mr. SCHEUER.

H.R. 5862: Mr. SERRANO.

H.R. 5865: Mr. GILLMOR, Mr. RANGEL, Ms. KAPTUR, and Mr. VISCLOSKY.

H.R. 5866: Mr. GILLMOR, Mr. RANGEL, Ms. KAPTUR, Mr. VISCLOSKY, and Mr. ZELIFF.

H.R. 5867: Mr. OLVER.

H.R. 5880: Mr. CLEMENT.

H.R. 5883: Mr. RANGEL and Ms. NORTON.

H.R. 5928: Mr. FROST.

H.R. 5947: Mr. PETERSON of Florida.

H.R. 5960: Mr. NICHOLS, Mr. GALLEGLY, Mr. COLEMAN of Missouri, and Mr. KASICH.

H.R. 5973: Mr. DELLUMS, Mr. ACKERMAN, Mr. HAYES of Illinois, and Mr. TOWNS.

H.R. 5977: Mr. ALLARD, Mr. LIGHTFOOT, Mr. DORNAN of California, Mr. DOOLEY, Mr. KOSTMAYER, Mr. MCDADE, Mr. ENGLISH, Mr. GOSS, Mr. CAMP, Mr. LEHMAN of California, and Mr. PAXON.

H.R. 6020: Mr. SARPALIUS.

H.R. 6033: Mrs. MINK, Mr. BLACKWELL, and Mr. BEREUTER.

H.R. 6051: Mr. MOAKLEY.

H.R. 6065: Mr. DOWNEY.

H.R. 6075: Mr. BEVILL, Mr. CAMPBELL of Colorado, Mr. BACCHUS, Mr. HEFNER, Mr. NOWAK, Mr. ABERCROMBIE, Mr. SANDERS, Mr. RHODES, Mr. MARTINEZ, Mr. BOUCHER, Mr. MCCLOSKEY, Ms. LONG, Mr. COLEMAN of Missouri, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Ms. OAKAR, Ms. DELAURO, Mr. AUCOIN, Mr. TANNER, Mr. SCHIFF, Mr. VISCLOSKY, Mr. DARDEN, and Mrs. UNSOELD.

H.J. Res. 196: Mr. LEHMAN of Florida.

H.J. Res. 449: Mr. HOCHBRUECKNER, Mr. SANDERS, Mr. SCHIFF, and Mrs. UNSOELD.

H.J. Res. 474: Mr. FROST, Mr. LAUGHLIN, Mr. CARPER, Ms. LONG, Mr. WISE, Mr. STUDDS, Mr. DICKINSON, Mr. SKELTON, Mr. LANCASTER, Mr. SARPALIUS, Mr. PANETTA, Mr. SPRATT, Mr. MONTGOMERY, Mr. PARKER, Mr. REGULA, Mr. RAY, Mr. HUTTO, Mr. GEREN of Texas, Mr. HARRIS, Mr. MCCOLLUM, Mr. WEBER, Mr. GILCHREST, Mr. CAMP, Mr. LAGOMARSINO, Mr. FORD of Michigan, Mr. MCNULTY, Mr. BAKER, Mr. CHAPMAN, Mr. CONYERS, Mr. ANDERSON, Mr. MORAN, Mr. HENRY, Mr. JOHNSTON of Florida, Mr. STENHOLM, Mr. BACCHUS, Mr. WAXMAN, Mr. ACKERMAN, Mr. SERRANO, Mr. SANGMEISTER, Mr. INHOFE, Mr. ECKART, Mr. JENKINS, Mr. SWIFT, Mr. RUSSO, Mr. LUKEN, Mr. HOAGLAND, Mr. LEVINE of California, Mr. GEJDENSON, Ms. PELOSI, Mr. RAHALL, Mr. BEILENSON, Mr. MRAZEK, Mr. DINGELL, Mr. ENGEL, Mr. LEVIN of Michigan, Mr. MCDERMOTT, Mr. DURBIN, Mr. KOPETSKI, Ms. MOLINARI, Mr. ABERCROMBIE, Mr. MINETA, Mr. KANJORSKI, Mr. OBERSTAR, Mr. BURTON of Indiana, Mr. BUNNING, Mr. SHAYS, Mr. MILLER of California, Mr. MARKEY, Mr. WYDEN, Mr. BORSKI, Mr. BONIOR, Mr. CAMPBELL of Colorado, Mr. COSTELLO, Mr. ANTHONY, Mr. ROWLAND, Mr. HUGHES, Mr. NEAL of Massachusetts, Mr. WASHINGTON, Mr. VALENTINE, Mr. DARDEN, Mr. DERRICK, Mr. DIXON, Mr. SCHUMER, Mrs. BYRON, and Mr. MURPHY.

H.J. Res. 479: Mr. ROBERTS, Mr. BOEHLERT, Mr. THOMAS of Wyoming, Mr. INHOFE, Mr. HEFLEY, Mr. HASTERT, Mr. ROGERS, Mr. SMITH of Iowa, Mr. ARMEY, Mr. BALLENGER, Mr. BUNNING, Mr. DELAY, Mr. HOPKINS, Mr. RIDGE, Ms. KAPTUR, Mr. NAGLE, Mr. VISCLOSKY, and Mr. FORD of Tennessee.

H.J. Res. 531: Mr. MAVROULES, Mr. BLACKWELL, Mr. BROOMFIELD, Mr. WOLF, Mr. FISH, Mr. SERRANO, Mr. SIKORSKI, Mr. MCEWEN, Mrs. LOWEY of New York, and Mr. MARKEY.

H.J. Res. 538: Mr. MORRISON, Mr. QUILLEN, and Mr. SLATTERY.

H.J. Res. 543: Mr. RICHARDSON, Mr. ROBERTS, Mr. REGULA, Mr. TALLON, Mrs. UNSOELD, Mr. RINALDO, Mr. HAMMERSCHMIDT, Mr. PARKER, Ms. SLAUGHTER, Mr. HATCHER, Mr. STARK, Ms. MOLINARI, Mr. GREEN of New York, Mr. LEHMAN of California, Mr. BRYANT, Mr. BILIRAKIS, Mr. DARDEN, Mr. GRANDY, Mr. JEFFERSON, Mr. OBERSTAR, Mr. SARPALIUS, Mr. MCCRERY, Ms. OAKAR, Mr. MORRISON, Mr. SLATTERY, Ms. HORN, Mr. WYDEN, Mr. ANDERSON, Mr. TRAXLER, Mr. MCCLOSKEY, Mr. RAHALL, Mr. RUSSO, Mr. PAXON, Mr. TORRICELLI, Mr. STOKES, Mr. DICKS, Mr. CARPER, Mr. EDWARDS of Texas, Mr. LAUGHLIN, Mrs. BENTLEY, Mr. BROWDER, Mrs. MORELLA, Mr. BOUCHER, Mr. MURTHA, Mr. SOLARZ, MR. OWENS of New York, Mr. SERRANO, Mr. ANTHONY, Mr. OWENS of Utah, Mr. KENNEDY, and Mr. TAUZIN.

H.J. Res. 547: Mr. HOAGLAND, Mr. RANGEL, Mr. FAZIO, and Mr. JONTZ.

H.J. Res. 548: Mr. HUGHES, Mr. SABO, Ms. ROS-LEHTINEN, Mr. EVANS, Mr. ANDREWS of New Jersey, Mr. SKAGGS, Mr. PORTER, Mr. EDWARDS of California, Mr. SANDERS, Mr. JONES of Georgia, Mr. JOHNSTON of Florida, Mr. FRANK of Massachusetts, Mr. ENGEL, and Mr. DOOLEY.

H.J. Res. 549: Mr. YATES, Mr. CAMPBELL of Colorado, Mr. BACCHUS, Mr. FORD of Tennessee, Ms. ROS-LEHTINEN, Ms. MOLINARI, Ms. SLAUGHTER, Mr. HALL of Texas, Mr. JOHNSTON of Florida, and Mr. DOOLEY.

H.J. Res. 552: Mr. SOLARZ and Mrs. LOWEY of New York.

H. Con. Res. 11: Mr. GILMAN.

H. Con. Res. 362: Mr. SHAYS, Mr. DORNAN of California, Mr. WALSH, and Mr. JOHNSON of Texas.

H. Con. Res. 363: Mr. WEBER, Mr. KOLBE, Mr. BILBRAY, Mr. RHODES, Mr. WELDON, Mr. MCEWEN, Ms. ROS-LEHTINEN, Mr. BUNNING, Mr. HUNTER, Mr. DUNCAN, Mr. DORNAN of California, Mr. DELAY, Mr. CRANE, Mr. HANCOCK, Mr. MILLER of California, Mr. FISH, Mr. SHAYS, Mr. LIVINGTON, Mr. SUNDQUIST, Mr. COX of California, Mr. LEWIS of California, Mr. COMBEST, Mr. UPTON, Mr. COBLE, Mr. DANNEMEYER, Mr. HYDE, Mr. HOLLOWAY, Mr. WALKER, Mr. GINGRICH, Mr. SOLOMON, Mr. BILIRAKIS, Mr. JAMES, Mr. SAXTON, Mr. MOORHEAD, Mr. CAMP, Mr. BALLENGER, Mr. ROTH, Mr. GRANDY, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SISISKY, Mr. WOLF, Mr. BATEMAN, Mr. DEFAZIO, Mr. HENRY, Mr. RANGEL, Mr. FROST, Mr. ACKERMAN, and Mr. WAXMAN.

H. Res. 515: Mr. SHAYS.

H. Res. 538: Mr. MFUME and Mr. GILMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 529: Mr. CAMPBELL of California.