SENATE—*Tuesday, July 27, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3: 5, 6.

Eternal God, Lord of history, Ruler of the nations, democracy is often a very slow and tedious process because it represents the collision and conflict of many ideas, many agendas. In the words of Winston Churchill, "Democracy is the worst form of government * * * except for all the others." Often, conflict leads to stalemate which is especially possible as a long recess approaches.

God of light, grant special wisdom to the leadership at a time like this and remind them of the wisdom of the Proverb: "Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths." (Proverbs 3: 5, 6) Grant special wisdom and strength when the frustration of the democratic process prevails. Illuminate their way with the light of God.

We pray in His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 919 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The time between 9 a.m. and 10 a.m. shall be for debate on the motion to invoke cloture on the committee substitute to S. 919 with the time to be equally divided and controlled by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mr. MITCHELL addressed the Chair.

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

SCHEDULE

Mr. MITCHELL. Madam President, under previous orders approved by the Senate there will now be 1 hour for debate on S. 919, the national service legislation. At 10 a.m. there will be a vote on a motion to end the filibuster against the bill. Immediately following that vote, regardless of the outcome of the vote, the Senate will return to the Agriculture Appropriations Act to vote on two pending amendments, and then on final passage of the act.

So beginning at 10 a.m. there will be four votes this morning. The first will be the regular time, the second, third, and fourth votes will be for 10 minutes each.

If the national service matter is resolved, either by agreement prior to 10 or by invoking cloture at 10, we would then, of course, complete action on that bill. If cloture is not invoked, why, then there will be another cloture vote on that bill tomorrow morning.

By separate order, the Senate will proceed to the consideration of the D.C. appropriations bill at 2:15 p.m. today. That order is printed at pages 2 and 3 of the calendar. There are a number of possible amendments to the bill and under the order action will occur on the bill during today's session.

Madam President, I note that the distinguished chairman and manager of the bill is present, and I, therefore, yield the floor.

Mr. KENNEDY. Madam President, as I understand it, there is a time allocation. Am I correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. KENNEDY. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator controls half the time until 10 o'clock.

Mr. KENNEDY. I yield 4 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague from Massachusetts. Madam President, in just a few minutes we will be voting on whether or not to invoke cloture on this important matter. I urge my colleagues on both sides of the aisle to let us move forward with this legislation and let us move forward to final passage.

We have had our differences of opinion on both sides of the aisle on many issues in this Chamber this year. This is the time to demonstrate to the American people that we can put aside differences, we can put aside party labels, and we can work together in a bipartisan fashion for a program that will really help change the face of America for the better.

One of the things that people learn working together in Youth Corps is how to work together. One of the real strengths is that young people in our country learn that the real strength of this country is in the diversity of this country. Young people from the inner cities, many of them without family role models, many of them without mentors, have an opportunity for the first time to work with peers, those who have had a different background, those who have had more nurturing, those who can be role models and inspiration for them, those who appreciate for the first time in their own experience, for example, the fruits of hard work, of academic achievement. And with that kind of positive reinforcement, those young people from the inner city begin to realize, as they rub shoulders with those from different backgrounds, that they too can make it if they will work hard enough.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

At the same time, those from more privileged backgrounds, those from more affluent backgrounds have an opportunity for the first time to understand the real daily struggles in the lives of others who have not been given the opportunities that they have.

In essence, they learn that there is strength in our diversity, that we are part of the same American family, that we can work together in spite of racial backgrounds, in spite of ethnic backgrounds that are different, in spite of economic backgrounds that are different. We can work together for a common purpose.

Let us take those examples, those lessons that are learned by the young people that work together in the Conservation Corps, in the Youth Service Corps across this country, and let us apply those lessons in the U.S. Senate this morning, Madam President. Let us show that we can work together in a common purpose without regard to party label, without regard to party affiliation. Let us work together. Let us work together on a program that will make up for the deficit in our investment in human talent in this country.

How long are we going to debate, Madam President, before we do something about the fact that 29 percent of our young people are dropping out of school before they finish high school—talent is wasted—and are eight times as likely to end up in correctional institutions or public assistance than those that finish high school?

How long are we going to wait before we begin to repair the torn social fabric of this country, with 511 per 100,000 people in this country in prison compared with only 9 in Japan and about 25 in Europe? The highest imprisonment rate according to population in the world.

How long are we going to wait until we begin to have programs that bring us back together, that utilize our common talents?

Think of the benefits that flow also from the learning that comes from young people who are working together, the benefit that comes to the taxpayers. These are tight times for the budget. I will be talking more about that today.

I think it is well known that I am one of those that believes we must bring down the budget deficit. But let us get something for the tax dollars that we are already spending, particularly in the welfare system. It was found, for example, that in the Pennsylvania Conservation Corps $1.78 of benefits was returned to the taxpayers for every $1 that was expended; $2 was returned in benefits, for example, in the Washington Service Corps, because things are being built with the dollars that are being expended.

At the same time, young people are learning more because they are putting what they have heard in the classroom into practical work. For example, when Philadelphia had to lay off 1,200 teacher aides, a youth corps was organized and students, themselves, began to help tutor their peers 120 hours a semester. The school district was saved $250,000. The tutors themselves gained, and a much higher percentage of the students in that school began to go on to college and postsecondary education.

Madam President, let us invest in our people. It will have an enormous return to the taxpayers, and it will make an enormously positive difference in the budget deficit in the long run and help bring us together as one community. Let us show that we can come together as one community by voting in a bipartisan way to allow this debate and this vote on this bill to go forward by invoking cloture.

Mr. KENNEDY. Madam President, I yield myself 7 minutes.

I thank the Senator from Oklahoma for his statement and his strong support of the legislation which we are considering.

Madam President, I urge the Senate to invoke cloture on S. 919, the National and Community Service Trust Act of 1993. National service is a bipartisan issue. It relates to ideals which all Americans, Democrats, and Republicans, know are important: community, patriotism, responsibility, and opportunity.

We have a solid history of bipartisanship on this issue in Congress. It is regrettable that some Senators are now prepared to turn their backs on that tradition. The 1990 National and Community Service Act was enacted with a strong bipartisan support of 78 Senators. This legislation builds on that act and has many of its same features: Service learning, full-time national service with educational awards, and a decentralized service program administered through grants to the States.

The bill currently under consideration, the 1993 National and Community Service Trust Act, deserves the same bipartisan support. The bill has Democrat and Republican cosponsors and was endorsed by all Democrats and a majority of the Republicans on the Senate Labor and Human Resource Committee. I would like to have printed in the RECORD the excellent letter circulated by Republican Members of the House of Representatives. I ask unanimous consent that it be printed in the RECORD following my statement.

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

(See exhibit 1.)

In part, the letter reads:

DEAR REPUBLICAN COLLEAGUE: We believe national service is a basic Republican idea and that the President's proposal is structured as a Republican would have structured it, and it deserves broad Republican support.

Establishing a program of national service promotes sound public values while providing a measure of college tuition assistance and a significant benefit to our communities, States and Nation. Young Americans across the country will participate in programs addressing the many challenges of our communities, including illiteracy, child immunization, environmental enhancement, crime prevention, and drug education.

This program will produce young Americans with a sense of individual and civic responsibility and a keen understanding of the value of service * * *.

While we currently provide grants and loans to students on a needs basis, this program embodies the truly Republican principle of having individuals earn the right to educational assistance.

Madam President, it points out that there were 19 Republican cosponsors when the bill was introduced in the House, a majority of the Republicans on the committee supporting it when it was voted out of committee.

Until now, the debate on national service has been open and constructive. Last week, we discussed the important issues, looking for opportunities to find common ground and strengthen and improve the bill. We have accepted or agreed to accept 14 amendments already, almost all of them offered by Republicans.

These amendments have strengthened the bill in many ways. We have reduced the bill to a 3-year authorization, so Congress can revisit the question of how fast the program should grow and what the final structure of the program should be.

The Corporation for National and Community Service will study questions relating to the need to provide payments for service and postservice educational benefits in order to encourage people to participate.

We debated whether this figure ought to be $5,000 and what the role of the stipend would be. We have structured a program to ensure that those matters will be thoroughly studied and reviewed and reported back to the Congress.

The Corporation will also examine the extent to which the program is opening new opportunities for disadvantaged Americans. We will find out exactly who this program appeals to, and whether we are reaching out to make the program inclusive and diverse. In addition, we will study how best to create an efficient and streamlined administrative structure for the program.

Another amendment will ensure that the program sets effective priorities for national service, so that the stipends and postservice educational awards can be tied to the areas of greatest national need.

We have included a provision to ensure that educational institutions do not raise educational fees as a result of the bill. We have limited the living allowance to ensure that participants are not paid for more than 2 years of service.

We have required the Corporation to deliver a business plan to Congress,

covering issues such as grant accountability and an appropriate high-level management structure for the Corporation before any funds are distributed. This will ensure effective accounting and future evaluation of this program. The legislation includes every conceivable check to make sure that funds are monitored and well spent.

We have authorized a program for rural community service to ensure that rural areas can be adequately served by the program.

We have reduced the role of the Corporation's representative on State commissions to be ex officio, nonvoting status, to ensure that Federal oversight of the State commissions is not intrusive.

We have placed strict ceilings on administrative costs under the program to ensure that as much money as possible goes to program participants.

We have made it clear that this is not an entitlement program. That allegation was made by Republicans in the Senate, but even the letter from Republican Members of the House rebuts those charges.

We have limited the child-care expenditures to participants who demonstrate their need for such assistance.

We have simplified the application requirements for service learning programs to ensure that they are not excessively burdensome. That is a very useful and constructive change in the legislation.

All of these changes have improved the bill and made it stronger and more bipartisan. There is no justification for a filibuster.

We all know the challenges we face. Crime plagues our streets and neighborhoods; drug abuse is a national scandal; America has unprecedented numbers of homeless families; 1 in 5 children grow up in poverty; 23 million Americans are too illiterate to read the headlines of a daily newspaper; we have failed to preserve natural resources of clean air and water, and national forests are at risk through exploitation and pollution.

We cannot meet these challenges without the participation of citizens themselves. The modest investment proposed by this legislation can help to rekindle the sense of community service and commitment to others. This measure is an attempt to lay the groundwork for this task and provide more effective support in our common effort to reach these goals.

This legislation will achieve many purposes:

It will enable communities to respond to unmet needs with more citizens ready to combat drug abuse, homelessness and hunger, protect our forests, parks, and streams, improve their schools and child care centers, and assist elderly and disabled members of their communities.

It will remind all Americans of the responsibilities of citizenship, by starting service programs in the earliest grades.

It will benefit those who participate in service programs as well, by expanding access to higher education and job training for those who would not otherwise have these opportunities.

It will teach young people about the needs of their community. By teaching them to help others, we will also be teaching them that they can help themselves.

The service-learning portions of the bill will encourage educational reform in elementary and secondary schools. There is no better way to inspire a child's interest in science than by analyzing and cleaning up a polluted stream. There is no better way to help teenagers improve their reading skills than by helping a first grader learn to read.

Even as we debate this legislation, Americans are demonstrating their willingness to serve. For those of us who doubt that Americans will welcome this initiative, for those who doubt what it can do, for those who believe that national service benefits only participants, I ask that they look at how service programs even now are helping to protect the Midwest areas threatened by flooding, and to clean up in the flood's aftermath.

In Iowa, members of the Iowa Conservation Corps have placed sandbags along the Mississippi, Raccoon, and Des Moines Rivers. Corps members will be bringing drinking water to shut-ins and the elderly, and delivering pumps to low-income residents. There will be 150 young persons staffing emergency shelters and medical stations for those with flooded or destroyed homes. And scores of teenagers lined up at daybreak last week outside the job training office in Davenport, IA, for a chance to assist in the flood relief corps.

In Illinois, the Youth Volunteer Corps in the Quad Cities area made 400 calls and enlisted 75 teenagers in less than 24 hours. They sandbagged communities along the Mississippi as the river rose.

The Kansas City, MO, chapter of the Youth Volunteer Corps is working with the Salvation Army to remove debris and assist in relocating residents left homeless by the flooding.

In Kansas, the Kickapoo Tribal Nation Corps is working to ease the flooding in the eastern part of the State. The Youth Volunteer Corps in Omaha, NE, has provided food to relocated residents during the flood.

The Wisconsin Conservation Corps has two crews working in Black River Falls, cleaning out flooded basements and removing damaged plaster in homes. Corps members along the Wisconsin Fox River are working long hours, placing sandbags to prevent the river from overflowing its banks. Almost 33 crews, over 200 corps members, worked 2 weeks straight in 12- to 14-hour shifts without a break in Baraboo, WI, fighting a flash flood caused by 7 inches of rain which fell in 3 hours.

These stories are only the beginning of what citizens can accomplish if we call upon them to serve and make more opportunities available. We need to find ways to encourage citizens to work more effectively together, to rebuild our sense of community, and to deal with long-festering challenges, not just when disaster strikes.

Yesterday, a rally in the Dirksen Senate Office Building, organized over the weekend in opposition to the filibuster, drew close to 1,000 young people. Participants from Boston and many other cities could not understand why some are threatening to filibuster this measure. Hundreds of young people waited for hours in the hallways to hear the speakers and express their support. At the rally, it was announced that 25,000 postcards have already been received from Americans who want the national service bill to be passed now. And the same group has committed to collect signatures of over 100,000 Americans before this bill reaches the appropriations stage.

Many of those at the rally were simply Americans who wanted to make a difference. Nicole Thomas, a young mother, noted that "It's strange how I am here today, because politics never really mattered to me before." She said she was committed to national service, because she wanted to make the world a better place for her daughter.

Adam Kreisel told the rally that what is at stake is the future of the country.

This effort to block the national service legislation is an abuse of the Senate's rules and a disservice to the Americans we represent. We should be working together to refine this legislation further and bring it to final passage. This may well be one of the defining votes of this session of Congress. A vote for cloture is a vote for national service, and I want the Senate to go on record in solid support of service to our country.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
July 9, 1993.

NATIONAL SERVICE—TRULY REPUBLICAN

DEAR REPUBLICAN COLLEAGUE: As Republican cosponsors of H.R. 2010, the National Service Trust Act, we encourage you to take a close look at the legislation proposed by President Clinton and reported out of the Education and Labor Committee, with slight changes.

We believe national service is a basic Republican idea and that the President's proposal is structured as a Republican would have structured it and that is deserves broad Republican support.

Establishing a program of National Service promotes sound public values while providing a measure of college tuition assistance and a significant benefit to our communities, states, and nation. Young Americans across the country will participate in programs addressing the many challenges of our

communities including illiteracy, child immunization, environmental enhancement, crime prevention, and drug education:

This program will produce young Americans with a sense of individual and civic responsibility and a keen understanding of the value of service.

National service participants all disperse throughout the country, carrying with them a belief that personal betterment results from contributing to the betterment of society and enriching the lives of others.

Some have said the President's national service proposal will compete with existing non-profit organizations—*not so.* In fact, the program's very structure builds upon these institutions and harnesses their energy to magnify the impact of service in local communities.

While we currently provide grants and loans to students on a needs basis, this program embodies the truly Republican principle of having individuals earn the right to educational assistance.

The decentralized nature of the organizational structure ensures decisions will be made at the state and local level by people who know what a community's needs are and the best ways to address these needs.

Lastly, we want to clear up any misunderstanding regarding the relationship of this legislation to the proposed restructuring of the guaranteed student loan program. H.R. 2010, the National Service Trust Act, contains no provisions providing for direct lending. These two proposals are contained in entirely separate pieces of legislation.

Finally, it should be noted this legislation contains a specific authorization only for fiscal year 1994 and authorizes "such sums" in the out years. Congress will need to appropriate funds each year based on the program's ability to support continued or increased funding.

When the Senate Labor and Human Resources Committee reported this legislation, it did so with the support of four of the Committee's seven Republicans. In the House, 19 Republicans signed on as original cosponsors of this legislation, which was reported by voice vote out of the Education and Labor Committee.

We hope you will carefully consider the impact this legislation will have and that it will have your support on the floor.

Sincerely,

Christopher Shays, Ben Gilman, Ron Machtley, Steve Horn, Connie Morella, Pete Hoekstra, Peter Torkildsen, Amo Houghton, Steve Gunderson, Rick Lazio, Jay Dickey, Doug Bereuter, Olympia Snowe, Tom Lewis, Peter Blute, Fred Upton.

Mr. KENNEDY. Madam President, How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 14 minutes 45 seconds. The Senator from Kansas has 27 minutes 30 seconds.

Who yields time?

Mr. KENNEDY. Madam President, I yield 4 minutes to the Senator from Pennsylvania [Mr. WOFFORD].

Mr. WOFFORD. Madam President, this morning I would like to speak with you about costs and cloture and call for leadership.

Last week on this floor and over the weekend we heard some opponents of this bill engage in the politics of destruction and diversion, not construction and conversion. They floated myths and misinformation in the hopes that if you tell stories long enough and loud enough, someone might actually believe you. I want to address these issues this morning.

COST

Let me address the worst myth head on. Opponents of the bill keep saying that this bill will cost $10.8 billion. That simply is not true.

The truth is that this bill authorizes $394 million for the national service trust fund in fiscal year 1994.

The figures our opponents have been throwing around are simply not in this bill. I repeat: they are not in this bill.

This bill that passed 14 to 3 out of committee, with more Republicans voting in favor than against, did so in part because it says that the program must grow according to the market, according to demand and to the extent that the program proves that it is cost-effective.

Moreover, let us remember that national service produces benefits as well as costs. National service will leverage additional resources as it is in every respect a public-private partnership requiring matches from State and local sources on just about everything.

I submit for the RECORD, copies of letters from the leaders of Time-Warner, HASBRO, Circuit City, Ford, the Philadelphia Coca-Cola Bottling Co., and several other major companies endorsing national service as a bipartisan, public-private venture that even in these tough times makes sense for America. I also submit letters from leaders of the independent voluntary service sector in support of this bill, including the president of the American Red Cross, Elizabeth Dole.

I ask unanimous consent that these letters be printed in the RECORD.

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

(See exhibit 1.)

Mr. WOFFORD. Madam President, if we are going to talk about cost, let's do it honestly. And that means talking about return as well as cost.

THE COST-EFFECTIVENESS OF NATIONAL SERVICE

Let me cite some solid evidence demonstrating the cost-effectiveness of service programs.

NATIONAL SERVICE CORPS

The Pennsylvania Conservation Corps produces $1.81 for every dollar invested in program costs.

The Washington Service Corps returns an estimated $2.88 in community benefits for every dollar of program costs.

The California Conservation Corps returns a $1.77 in benefits for every dollar invested and this number jumps to $2.82 when they are doing disaster and emergency relief fighting forest fires and the effects of earthquakes.

The Michigan Conservation Corps estimates that $2.01 is returned in net benefits—welfare savings, income tax, and work products—for every dollar of appropriations over the first 6 years.

Since its founding 6 years ago, the Youth Volunteer Corps has had over 12,000 young participants generating more than 500,000 volunteer hours with a cost per program of only $35,000. In Kansas City last summer volunteers put in about 41,000 hours of volunteer service work which equates over $200,000 worth of service, if calculated at the minimum wage.

In Philadelphia, in 1990–91 the school district laid off 1,200 teacher aides due to severe budget pressures that so many of our urban school districts face. Through the high school literacy corps which now operate in 9 high schools, 165 student tutors were placed in elementary schools. They each tutored a minimum of 120 hours and received academic credit. This represents a benefit to the school district of $274,500. The out-of-pocket cost of the 165 Literacy Corps students is about $25,000—the cost of a VISTA volunteer and bus tokens for the students.

In New York City, the City Volunteer Corps has demonstrated remarkable results motivating students to serve, earn, and learn. In 1988, 45 percent of corpsmembers continued their education after CVC—81 percent were high school dropouts before joining. A later study showed that 80 percent were employed after CVC, mostly full-time, and almost half above minimum wage, compared to only 51 percent before joining. National service develops strong work ethics and rewards hard work and teamwork, not welfare.

SERVICE LEARNING

Service learning has proved to be a powerful and cost-effective means of improving student outcomes and reforming education. Look at what is happening in our Pennsylvania:

At Chestnut Ridge High School in rural Bedford County, PA, the post-secondary education rate went from 30 percent of all graduates to 80 percent in the 5 years during which community service was made almost universal.

We show similar numbers at Steel Valley and Lincoln.

At Overbrook High School attendance improved, and at Reading High School achievement and grade point averages soared when community service was integrated into the curriculum.

At Keystone Oaks High School in suburban Pittsburgh, the dropout rate which had averaged 28 students per year for 10 years has dropped to an average of 7 for the past 3 years since a 120-hour community service requirement was initiated.

There are similar results at the college level and in other programs supported under this act.

Our Pennsylvania campus compact, which has invested a modest $100,000 per year in private and public funds, has increased volunteer service on colleges throughout our Commonwealth from 500,000 hours to 1.5 million hours.

Hundreds of thousands of seniors will be challenged to serve through existing programs supported by this act. They are currently helping severely at-risk children, keeping other seniors healthy and at home, and doing the tough tasks needed all over the country. In Montgomery County our Retired Senior Volunteer Program estimates that it has saved the agencies in the county over $1 million per year. The average RSVP participant costs 0.45 per hour. The average foster grandparent and senior companion costs less than $3 an hour. Compare the $3,500 cost of a senior companion to the more than $30,000 average cost of a year in a nursing home. The three programs number close to 490,000 participants and touch the lives of hundreds of thousands more.

THE PEACE CORPS

Madam President, we have heard all the arguments that are being used against this bill before. We heard them in 1990 when President Bush created the Points of Light Foundation and the Commission on National and Community Service. We heard them when VISTA was created and we even heard them in 1961 when another young President tried to launch a national service initiative called the Peach Corps. It is only to be expected that we would hear the same arguments now when we attempt to bring the spirit of the Peace Corps home.

When I was working with Sargent Shiver and others to launch the Peace Corps in 1961, its opponents had all of the same concerns that are being voiced today.

The Peace Corps was accused of creating a large new bureaucracy that would "extravagantly and needlessly duplicate" the work of existing, taxpayer funded organizations. We have seen that this did not occur. The Peace Corps was antibureaucratic by design and it continues to be a streamlined model for other agencies today.

The opponents of the Peace Corps objected to its experimental status and the fact that it was unproven. In the end, most of them realized the value of the new initiative. Two smaller, stripped-down, lower cost versions were rejected by the Senate in order to implement the program in such a way that it would have a significant impact. But these amendments were defeated just as we wisely defeated the two substitute national service amendments last week.

The concept of voluntarism was also under debate in 1961, as it is today. There were those who objected to the Peace Corps because they felt it detracted from voluntarism—unpaid, unstipended, informal service—and was not really volunteering. They felt that the minimal stipend and postservice benefit removed the sacrifices normally associated with voluntarism. The Peace Corps was seen as an attempt to "glamorize and imitate the serious, dedicated work" that was already being done by private organizations.

This fear has proven unfounded. Any Peace Corps volunteer, just like any youth corps participant, will tell you that the work is anything but glamorous. The spirit of service and sacrifice are alive and well in the Peace Corps. The stipend and postservice benefit have done nothing to destroy this. Volunteers have kept right on serving, volunteering, and being involved long after their time in their stint in the full-time corps has ended. In fact, their dedication has multiplied the number of volunteers in this country by leading others to service.

The establishment of the Peace Corps was a bipartisan effort. The bill was recommended out of the Senate Foreign Relations Committee by a vote of 14–0. The final vote count showed that the ranking minority member of the committee, the Senate minority leader, and the Republican sponsor of both of the stripped-down substitute amendments all voted for the bill. In the end, the power of the idea outweighed their concerns and their hesitation to move dramatically forward.

The myths and fears that we are hearing today echo those used against the Peace Corps. They were overcome in 1961. Yet they resurface and threaten to cause gridlock today. The success of the Peace Corps should encourage and bolster our efforts today.

In closing, Madam President, this is not about politics, it is about people.

I spent over an hour yesterday with CHRIS SHAYS, a distinguished Republican House Member, and CHRIS DODD, and literally hundreds and hundreds of young people who came together on a moment's notice when they heard that there were some who were considering a filibuster.

They told us time and time again not to let politics stop or weaken this bill.

They told us that they had been excited that their bill had achieved such strong bipartisan support and that they hoped it would continue to do so.

One speaker after another said that their generation was ready, if we would just stop pointing fingers and allow them to lead. They are tired of politicians whose eyes are on the next election instead of the next generation.

One speaker after another said they were disillusioned about the labels of left and right, about paleo-this and neo-that, about Democrat and Republican, liberal and conservative. That they did not care about the posturing that takes so much time in this city and in this Chamber.

All they want is for us to invest in what works. And my friends, if you do not get it yet let me tell you: what works is our investing in them and investing in the people that are willing to invest in America; what works is empowering them and empowering local leadership to solve problems.

What I saw in that room yesterday was hope.

Hope that we would lead. That we would not let them down. Hope that we would pass this bill as it stands.

Hope that people would realize that in their minds we are starting too slow and too small already.

Hope that on their issue, on their bill, we would learn what they already know: our country is in trouble and it needs leadership not partisanship to get out of it.

The young people of America—and seniors too—are asking for the chance to serve. Do not tell them no.

Yesterday, with this huge overflowing crowd, and the over 20,000 postcards that they delivered to this body from others like them all over this great land ready to serve, the young people said emphatically that they are looking at our vote and they are eager for our response. They are expecting us to vote for people, not politics. They are ready to stand up and be counted and expect us to do the same. If we do our part then they will do theirs.

At this critical moment in our Nation's history, they are desperately looking to us for leadership, for us not to confirm their worst suspicions about this body.

EXHIBIT 1

STATEMENT OF GERALD M. LEVIN, PRESIDENT AND CEO OF TIME WARNER, IN SUPPORT OF THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

National service has always been a bipartisan issue. President Bush signed service legislation in 1990. The Clinton Administration worked hard to build bipartisan support for this initiative, developing a plan that limits costs, requires results, and cute bureaucracy. Republican principles of high outcomes and low overhead are strongly reflected in the bill. It is no surprise that four Republicans in the Senate and nineteen in the House are already cosponsors.

This proposal is not inherently Democratic or Republican. At its heart, it is bipartisan, and it is American. I hope that partisan politics will not interfere with this important initiative.

GERALD M. LEVIN,
Chairman and CEO.

BUSINESS LEADER STATEMENT IN SUPPORT OF THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. I believe

Republican Senators would be making a terrible mistake to filibuster this legislation. It is about time we stopped talking and filibustering, and did something for the American people.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative will meet pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps, most importantly, it will retore the individual discipline and community spirit that our country needs in order to succeed.

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This proposal is not inherently Democratic or Republican. And its heart, it is bipartisan, and it is American. I hope that partisan politics will not interfere with this important initiative.

Very truly yours,

ALAN G. HASSENFELD.

JULY 26, 1993.

STATEMENT OF ALAN L. WURTZEL, CHAIRMAN OF THE BOARD, CIRCUIT CITY STORES, INC.

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Republican Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

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FORD MOTOR CO.,
Dearborn, MI, July 26, 1993.

U.S. Senate,
Washington, DC.

DEAR SENATORS: As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

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Sincerely,

RENEE S. LERCHE,
Manager, Employee Development and External Education, Employee Relations Staff.

THE PHILADELPHIA COCA-COLA BOTTLING CO.,
New York, NY, July 26, 1993.

U.S. SENATE,
Washington, DC.

DEAR UNITED STATES SENATORS: As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

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Sincerely,

J. BRUCE LLEWELLYN.

ROCKEFELLER FINANCIAL SERVICES, INC.,
New York, NY, July 26, 1993.

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Republican Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative will meet pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will restore the individual discipline and community spirit that our country needs in order to succeed.

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DAVID ROCKEFELLER, Jr.

THE BODY SHOP,
July 26, 1993.

The PRESIDENT,
The White House,
Washington, DC.

MY DEAR MR. PRESIDENT: As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Republican Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative will meet pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will restore the individual discipline and community spirit that our country needs in order to succeed.

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This proposal is not inherently Democratic or Republican. At its heart, it is bipartisan, and it is American. I hope that partisan politics will not interfere with this important initiative.

Sincerely,

MARY ANN MILLS,
Co-Owner and Managing Director.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, if I may just speak for a moment on the pros and cons that have been really fairly debated, I think, on the National and Community Service Trust Act, as we have said before, I do not think there is any disagreement on the importance of community service. But I would just like to point to a few figures and set out once again just briefly some of the differences.

We are talking about a new program. This is in addition to the thousands of participants, either full time such as in VISTA, or in the Peace Corps versus those who contribute part time such as Foster Grandparents and the RSVP Programs. These are an additional 25,000 for the first year number of participants who would give time to community service for an education voucher.

We have been discussing whether it should be $400 million, as has been laid out by the administration proposal, for the first year of funding versus what some of the rest of us believe would be a far better way to initiate a new program with the ability to look at a restructuring of the administrative structure.

Under the proposal that has been put forward by the administration, for instance, administrative costs—let me back up a minute. The administrative costs of the ACTION programs now ongoing are more than $30 million than is spent on VISTA.

I think that we ought to consider what we spend on the Peace Corps which is today less than what we are asking for the first year of the national and community service. The Peace Corps has worked extremely well. I think we would all agree with that.

But the very fact that we are starting out with the first year of a new program that is more costly than what we spend today on the Peace Corps again is an example, I think, of what we are trying to talk about.

I am convinced, Madam President, that if this program is going to succeed, it really should start smaller rather than larger and grow as the participation in the community needs to fill the program out so it can be a disciplined, reasonable approach to what I think we all wish to see achieved. But to start a new program on top of what we have without giving it some of the fiscal discipline as well as ability to look toward the restructuring, I think, is a mistake.

I think, Madam President, that there has been much positive negotiations that have taken place. There is a desire to reach some compromise, and it is my hope certainly from this side of the aisle that we can do so before too long.

I yield the floor, Madam President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. KASSEBAUM. Madam President, I suggest the absence of a quorum and suggest that we charge it to my time.

The ACTING PRESIDENT pro tempore. That is the regular order.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. KASSEBAUM. Madam President, I yield to the Senator from Pennsylvania 10 minutes, or such time as he would like.

Mr. SPECTER. I thank my colleague for yielding time.

THE PENNSYLVANIA HAT

Mr. SPECTER. Madam President, if I might take 20 seconds as a matter of personal privilege to explain my hat.

I had an operation a few weeks ago for an intracranial lesion. I am doing fine, all except for decor and appearance. I am taking the privilege of wearing this Pennsylvania hat.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. SPECTER. Madam President, I have long supported national service. I think it is an excellent idea to involve young Americans in the service of their country.

I am an original cosponsor of this bill. I have in the past supported ACTION, which is a national service matter of a sort. I have supported the Peace Corps.

Years ago, I served on the National Advisory Council of the Peace Corps and was asked to make a trip to Micronesia, when there was a dispute between the Peace Corps and the Air Force, when Micronesia was establishing a new constitution.

I took time to go halfway around the world to be an arbitrator. I had been in the Air Force. I was district attorney at the time.

The commanding general of the Air Force did not like the way the Peace Corps lawyer was representing the Micronesians. The general thought it was contrary to the national defense of the United States.

The young Peace Corps lawyer happened to be from Philadelphia. I sat down with the general and the Peace Corps lawyer and explained to the general that the lawyer was supposed to represent his clients, even though it might be contrary to the interests of what the general thought, just as when I was district attorney there were lawyers hired and paid for at public expense to represent defendants, even murderers, in the criminal court.

And after that experience, I worked extensively on the Peace Corps. So I have long been committed to the concept of national service.

I am concerned, Madam President, about the issue of cost. That was a factor which I cited the day this bill was introduced, expressing my concern about cost.

I am concerned as to whether we will be able to properly fund this measure and properly fund other important measures which are now pending before the Congress.

A debate is going on in conference over arriving at a budget to achieve a deficit reduction of $500 billion. And I hasten to point out that that calculation on deficit reduction is really only a reduction, allegedly, in the rate of increase; that the deficit will still be increased by some $1.1 trillion over the next 5 years, according to the projection of the President. But he calculates a $500-billion savings on some projections which were made by the previous President. But the problem of the deficit is well known.

I serve as the ranking Republican on the Appropriations Subcommittee on Labor, Health and Human Services, and Education, along with Senator HARKIN, who is the chairman. We go through the sheets in an effort to find funds for very vital matters—education accounts, education for big city schools, for minorities, the National Institutes of Health, safety in the mines, safety on OSHA, and we are very short of funds.

Last year, we raised the authorization for the Pell grants. Members of both bodies of the U.S. Congress went to the floor and patted themselves on the back for raising the authorization. And then the appropriation was cut.

We are looking high and low to find funds to meet our obligations.

I intend to vote against cloture this morning, because I believe that there can yet be savings on this bill.

I was distressed to see in the Sunday New York Times a report that the Republicans were engaging in a filibuster. The statement was made by a Democratic leader that "It is another example of Republican obstructionism."

Then I see in this morning's press that the President says that a filibuster was begun last Friday by Senate Republicans.

I would point out, Madam President, that last Friday this body was engaged in the appropriations bill of the legislative subcommittee. I would further point out that there has been relatively little time spent in this body, in the Senate, on this bill, and there certainly is not a filibuster in progress.

This bill was taken up late on Tuesday, after the Senate completed action on the Hatch Act.

We were on it on Wednesday. On Thursday, a good bit of the day was taken up by the issue of the Confederate flag, raised by the distinguished Senator from Illinois, [Ms. MOSELEY-BRAUN], a matter where I agreed with Senator MOSELEY-BRAUN. But there has been relatively little time spent on this measure. We are talking about a bill which would cost, in the first year, some $300 million, and would go soon to some $3 billion a year. So it is not a small matter.

When we turn to the issue of recrimination and criticism, as we saw yesterday from the President, it seems, at least to this Senator, it is a little difficult to deal with Vice President GORE

and Eli Segal—as I did last week, and talked to Democrats yesterday—and then pick up the morning press and find partisan criticism for obstructionism and a filibuster when, in fact, there is no obstructionism and no filibuster.

I note that the President was complaining about the House of Representatives for delay in action on the $3 billion package of flood relief because of a debate on how to pay for it. I suggest that a debate about how to pay for the flood relief program is very appropriate. There is no doubt about the need of the Congress to respond to the terrible losses in the floods in the Midwest. But I think every effort should be made, as a first matter, to see if we can find offsetting cuts. If we cannot find offsetting cuts, before we declare an emergency and add to the deficit I think we ought to consider the issue of a specific tax. I believe the American people would be prepared to have a small surtax, which would be a very small fraction of the taxes in effect, in a specific way to pay for the flood relief.

Madam President, that is not my idea. The idea was first advanced to me by my son, Shanin Specter, who is a young lawyer, a conservative young Republican, who is very much opposed to taxation and increases in taxation. But when it comes to a matter which is clearly defined, like relief for the flood victims in the Midwest, that is something that my son Shanin Specter, as much as he is opposed to increases in taxation, would be willing to undertake.

I have found that when the American people see taxes going for a good purpose, that there is, I would not say no objection, but less of an objection than when we have a tax-and-spend policy in general. When the House of Representatives is considering how to pay for this flood relief program instead of adding it automatically to the deficit, it seems to this Senator that that is something that is worthwhile.

When we come to the criticism of the President, really directed against Republicans on the issue of gridlock, there is an interesting comment in this morning's paper attributed to Chairman ROSTENKOWSKI, who said, when referring to comments by the Clinton administration, I think perhaps by the President himself—this is Congressman ROSTENKOWSKI: "I wish the President would be President and let us negotiate," referring to some of the negotiations which were underway on the issue of taxes. So when you come down to the business which is being undertaken by the Congress, you even have someone like Chairman ROSTENKOWSKI making the point that he wishes the President would allow the Congress to negotiate.

Madam President, I ask for an additional 2 minutes from the distinguished Senator from Kansas.

Mrs. KASSEBAUM. Madam President, how much time is left on my side?

The ACTING PRESIDENT pro tempore. The Senator from Kansas has 6 minutes, the Senator from Massachusetts has 10 minutes 20 seconds.

Mrs. KASSEBAUM. I would be happy to yield 3 minutes to the Senator from Pennsylvania.

Mr. MITCHELL. Madam President, I wonder if the Senator will yield to permit me to propound a unanimous-consent request?

Mr. SPECTER. Yes; I yield to the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I have been discussing the pending measure with the distinguished Republican leader, the managers of the bill, the Senators from Massachusetts and Kansas, as well as the Senator from Pennsylvania and others interested in the bill. Discussions are underway in an effort to reach agreement and permit passage of the bill, hopefully today. Because a large number of Senators are involved, those discussions have not been concluded, but there is the expectation that they will be concluded in a relatively short time.

In an effort to permit those discussions to proceed we have agreed that the vote on cloture, now scheduled for 10 a.m., will be briefly postponed to occur at a time later in the day to be determined by myself following consultation with the Republican leader.

I might say it is my expectation, and that of all concerned, that the matter will be resolved one way or the other by early afternoon at the latest and that, if we are able to reach an agreement, we will proceed to final passage of the bill. If we are not able to reach an agreement, then we will proceed to have the cloture vote sometime during the early afternoon. That is my intention as of this time, based upon these discussions.

Accordingly, I now ask unanimous consent that the vote on cloture to terminate debate on S. 919, the national service bill, now scheduled to occur at 10 a.m. today, be postponed until such time as it is rescheduled today by the majority leader following consultation with the Republican leader.

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

Mr. MITCHELL. Madam President, I next ask unanimous consent that the votes on the Agriculture Appropriations Act, now scheduled under the previous order to occur following the vote on cloture, instead now occur beginning at 10 a.m.

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

Mr. MITCHELL. Madam President, I further ask unanimous consent that the first vote be under the regular time as announced at the beginning of the year by me and that the second and third votes be for 10 minutes only.

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

SCHEDULE

Mr. MITCHELL. Madam President, I will simply repeat and summarize where we now stand. At 10 a.m. there will be a vote on the first of two amendments on the Agriculture Appropriations Act. That will be in the regular time, a 20-minute vote. Immediately following that there will be a vote on a second amendment to that bill. That will be a 10-minute vote. Immediately following that there will be a vote on final passage of the Agriculture Appropriations Act. That will be a 10-minute vote.

The cloture vote on the national service bill, that is the vote on the motion to end the debate on the bill, previously scheduled for 10 a.m. will be postponed until a time later in the day, and I will announce that time in the near future if it is necessary to have a vote. If the matter is agreed to, then there will be an announcement of a vote on final passage of the bill. If it is not agreed to, there will be an announcement on the vote on the motion to terminate debate. I expect that matter to be resolved by no later than early this afternoon.

Madam President, I ask unanimous consent that my remarks appear in the RECORD so as not to interrupt the remarks of the Senator from Pennsylvania, and I thank him for his courtesy.

Mr. SPECTER. Madam President, I ask the distinguished majority leader to permit his remarks to interrupt mine because they very directly bear on what I have said and am about to say. It is an unusual situation. I see the distinguished majority leader nodding assent to that.

THE NATIONAL SERVICE ACT

Madam President, I thank the distinguished majority leader and distinguished Republican leader and the other Senators who have worked out the negotiations to at least postpone the cloture vote. It shows the peril of coming to the Senate floor and announcing the position, "I am going to vote in favor of cloture," when that vote is not now even going to occur. But I think that what has happened here this morning is illustrative of a very constructive effort that Republicans can make in trying to hold down costs. There has, in fact, been no filibuster, notwithstanding what the President said about filibuster on Friday. We were not even on this bill. And there certainly was not a filibuster on Tuesday, Wednesday, and Thursday, when a very limited period of time, only part of Tuesday and only part of Thursday, were devoted to this bill.

There had been nine amendments voted on, six related to this bill. So

when the Republicans are in a position to raise an issue about costs, if cloture could be obtained by the Democrats without looking to the Republicans, this kind of careful analysis and this kind of reduction would not occur.

There are 56 Democrats, and it takes 60 to have a cloture vote to cut off debate. There are four Republican cosponsors. If you add the 56 and the 4, you come to 60 and enough to cut off debate.

There are a few of us on this side of the aisle, myself included, who find themselves characteristically in a position of being swing votes. After I took a look at the cost involved in this bill last week and discussed it with a number of Members on the other side of the aisle and the administration, including the Vice President, and Mr. Eli Segal who shepherded this bill for the Democrats, it seems to me it was too expensive. When I talked to some Members on the other side of the aisle yesterday and stated my intention to vote against cloture, it appeared that there probably would not be enough votes for cloture on this state of the record. So we have achieved consideration of cost reduction.

I will say that, similarly, when the President, as reported in today's New York Times, is criticizing the House for looking for a way to pay for flood relief, that that kind of an analysis is worthwhile. I do not think it is going to hold up the payment of money to the flood victims, and I think there is no doubt that the moneys ought to be paid. But we should take a look first to see if we can have cuts or, second, if we can have a specific designated tax and a small percentage of surtax before we look to declare everything is an emergency, to add to the deficit.

I think Chairman ROSTENKOWSKI gave the President good advice, generally referring to the negotiations on the budget, when he said, "I wish the President would be President and let us negotiate." Similarly, I think it is sound advice if the President would let the Senate work out, through our normal way, methods of trying to reduce costs to provide a better bill. I think we are in the process of doing that.

The ACTING PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I thank the Chair and note my time has expired. I thank my distinguished colleague from Kansas, Senator KASSEBAUM.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. MOSELEY-BRAUN. Madam President, I rise today to express my strong support for the National and Community Service Trust Act of 1993. I support the National and Community Service Trust Act because it would unite all Americans—from the youngest elementary school students to our oldest citizens—in a common effort to rebuild our Nation's communities.

Madam President, the National and Community Service Trust Act is not an attempt to reinvest the wheel. It merely builds upon the accomplishments of the ACTION agency and the Commission on National and Community Service.

Since its inception, the ACTION agency has provided several meaningful opportunities for individuals to give back to their communities. I am proud to say that in my home State of Illinois over 15,000 individuals currently serve their country through ACTION programs. VISTA volunteers work with local service organizations throughout Illinois, helping low-income individuals change their lives and renew their communities. In Chicago, for example, VISTA volunteers serve in the Uptown Habitat for Humanity organization which buys old, ruined buildings and rehabilitates them with help from low-income individuals who are then able to move in and purchase them.

VISTA volunteers are also helping flood victims in East St. Louis, IL, by coordinating emergency housing at two local shelters. These committed individuals are recruiting local volunteers and obtaining food supplies for individuals displaced by the flood. Volunteers in the Retired Senior Volunteer Program in Moline and Quincy, IL, are also filling sandbags, assisting the Red Cross, and helping the Salvation Army address the needs of flood victims.

Madam President, the National and Community Service Act would also build on the successful programs currently being operated by the Commission on National Service, including the Serve-America program which allows students to earn academic credit while participating in service projects, and the Thousand Points of Light Foundation.

In 1990, the Thousand Points of Light Foundation recognized the efforts of the volunteers in the Midnight Basketball League program. A few weeks ago, I introduced S. 1005, the Midnight Basketball League Training and Partnership Act, in order to provide Federal assistance to midnight basketball leagues which offer recreational as well as educational opportunities to our Nation's youth.

I would like to submit for the RECORD an editorial which appeared today in the Chicago Sun-Times praising the Midnight Basketball League Program which serves the residents in the Chicago Housing Authority's Altgeld Gardens.

As you know, Madam President, this legislation would authorize a modest $394 million budget for a new national service initiative. This initiative would allow 25,000 individuals from different economic and social backgrounds to serve in programs designed to address the educational, environmental, public safety, and human needs of our communities and it would help our Nation's most distressed communities by requiring that 50 percent of program funding be targeted toward: Enterprise zones and redevelopment areas; areas that are environmentally distressed; areas adversely affected by reductions in defense spending; areas that have experienced a substantial reduction in population; and areas with a substantial number of economically disadvantaged older adults.

In addition to promoting public service, the National and Community Service Act would also provide educational opportunities for individuals who would not otherwise have the financial resources necessary to continue their education. This legislation would offer $5,000 education awards to all participants for every 1 year of full-time service or 2 years of part-time service. Participants could use these awards to repay college loans or to pay for a college education. Participants could also use these awards to pay for expenses in approved vocational education programs, job-training programs, or school-to-work transition programs.

In short, Madam President, I support the National and Community Service Trust Act because it is an investment in the future of our country, and because it unites all Americans in the work of rebuilding our communities. Once adopted, this legislation will remind us that every American can have a profound effect on the economic and social problems which plague our communities.

I believe that the National and Community Service Act will move our country in the right direction, and I urge my colleagues to support it.

Madam President, I ask unanimous consent that the editorial on the Chicago Midnight Basketball League be printed in the RECORD.

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

MIDNIGHT BASKETBALL SCORES AT ALTGELD

(By Steve Neal)

Altgeld Gardens is a tough place.

More than 300 law-enforcement officers raided the CHA project on the far Southeast Side last fall and seized 44 guns, including assault weapons and rifles with laser scopes. There were more than 20 shootings in the Gardens last summer.

About 12,000 people live in the two-story CHA project at 840 E. 132nd, which has a history of gang and drug problems. But it is also a neighborhood that has produced basketball superstars, including Cazzie Russell of the University of Michigan and the New York Knicks and Terry Cummings of DePaul University and the San Antonio Spurs.

This summer, the Chicago Housing Authority and the Catholic Youth Organization are sponsoring a Midnight Basketball League in the Our Lady of the Gardens gym. The Rev. John P. Smyth; executive director of the CYO, and a former All-American at Notre Dame and 1957 first-round NBA draft selection of the old St. Louis Hawks, has initiated a year-round sports and recreation program at the Gardens, which is a beacon of hope in a tough neighborhood.

A crowd of more than 500 attended last Thursday's midnight basketball doubleheader in the Our Lady of the Gardens Gym, where Father Smyth recently installed glass backboards. Members of rival gangs play on the same teams. The CHA's Midnight Basketball League drafts players for the eight teams in each project. League officials seek to keep the teams evenly matched. The league uses the names of National Basketball Association teams. Players are also enrolled in job-training, drug-abuse and crisis-intervention programs. If a member of a team is arrested for any reason, he is suspended from the team. Gil Walker, commissioner of the CHA's Midnight Basketball League, said that gangs have an informal truce during basketball competition.

Basketball is more than a sport at Altgeld Gardens. It's something special. The crowd got into the action the other night as the Lakers came on strong in the closing minutes to upset the Bulls. There were fastbreaks, behind-the-back passes and slam dunks. It was a terrific game played by exceptional athletes. In the second game, the Clippers upset the previously undefeated Mavericks.

"Last summer, the kids couldn't sit outside because of the shootings," said Esther Wheeler, president of the Gardens advisory council. "Midnight basketball has been a wonderful thing for the Gardens. It gives people something to do on Tuesday and Thursday nights. When the kids come into the gym, there aren't any hand signs or signaling."

Gilbert Robinson, a resident of the Gardens who runs the gym at Our Lady of the Gardens, said that he's got a waiting list of kids who would like to participate in basketball and other programs. "This gives them an alternative, something to do," said Robinson.

Father Smyth, who looks like John Wayne in a Roman collar, is installing a boxing ring at the Gardens and is also launching bingo, roller-skating and drama programs. He also wants more midnight basketball. If there were more people with the Rev. Smyth's vision and leadership, Chicago would be a better place.

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

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

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the clerk will report H.R. 2493.

The bill clerk read as follows:

A bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Reid amendment No. 636, to prohibit the use of funds to operate a regional office of the Rural Development Administration after April 1, 1994.

(2) Bryan modified amendment No. 662, to reduce the amount of funds and commodities that may be used to carry out the market promotion program.

AMENDMENT NO. 636

Mr. WOFFORD. Madam President, I rise today to address a very important issue to Pennsylvania—rural development. Both the House and Senate Agriculture Appropriations Committees have had considerable discussion about the future of the Rural Development Agency, especially the regional office structure. While I am very concerned about the elimination of regional offices, I am even more concerned about the direction of our rural development policies. We need a strong comprehensive rural development policy.

For many years rural policy was synonymous with production agriculture policy. This has changed. While production agriculture is certainly a cornerstone of our rural areas, everyone in rural Pennsylvania is not involved in agriculture. They benefit, but are not necessarily involved.

We must recognize that while small towns and communities have a favorable quality of life they also have unique infrastructure, employment, economic development, child care, and healthcare needs. They are too small to support specialized businesses or essential public services. That is why it is so important we have a central agency to focus on rural development.

I was pleased when my friend and colleague Mike Espy was appointed Secretary of Agriculture because I felt that for the first time, given his work in Congress and strong ties to rural America, that rural policy would get the attention it deserves. I am still hopeful and believe that when the Department of Agriculture releases its restructuring plan, rural development will be a key component.

This afternoon, I met with the Undersecretary for Small Community and Rural Development, Bob Nash, to discuss rural development and to press for a clearly defined rural development policy. This meeting was called in part because of the recent debate over the regional office structure of the Rural Development Agency, which was put in place about 2 years ago.

The northeast regional office in Sayre, PA, just opened in April 1993. Now just 4 months later, Congress is debating whether these offices should remain open. I do not believe these offices have been around long enough to be given the proper evaluation they deserve. I hope, at the very least, we allow Secretary Espy to review the structure, as part of the administration's comprehensive restructuring of the USDA.

I cannot speak for all the regional offices, but the northeast regional office in Sayre, has decentralized the decisionmaking from Washington to the field, resulting in a bottom-up approach to rural development. They have eliminated excess justification for loans and grants because decisionmakers, whether at the State or regional level, have a good understanding of local conditions and needs. This makes our Government more responsive. Something everyone wants.

Madam President, I believe it is absolutely essential that we have one agency—the Rural Development Agency with the regional office in Sayre—to focus on rural development so that all 3.7 million people who live in rural Pennsylvania are guaranteed the best rural development programs we have to offer. For this reason I must oppose the amendment to eliminate the RDA regional office structure.

Mr. BAUCUS. Madam President, I rise today in support of the Reid amendment to the Department of Agriculture Appropriations Act. This amendment would close the regional offices of the Rural Development Agency by April 1, 1994. This amendment represents the type of reform that I believe the American people are seeking.

The RDA was established in 1990. Instead of creating a more coordinated rural development effort, this action has generated administrative confusion and duplication in rural development programs. This Agency is a bureaucracy with no local delivery system—a cart without a horse. To maintain this Agency's regional office structure which has no local delivery mechanism is unacceptable. We must have reform.

Presently, my home State, Montana, is served by a regional office in St. Joseph, MO. This amendment will put rural development back into the hands of the Farmers Home Administration. Mr. President, I believe the Montana director of the Farmers Home Administration can better evaluate the development needs of Lewistown, MT than a regional supervisor in Missouri.

This amendment reaffirms a commitment to smarter, better Government. I support that goal and I urge my colleagues to join me in supporting this amendment. Madam President, I yield the floor.

VOTE ON MOTION TO TABLE AMENDMENT NO. 636

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to table the REID amendment No. 636. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—43

Akaka	Biden	Breaux
Bennett	Boxer	Bumpers

Burns	Hatfield	Pryor
Byrd	Hollings	Rockefeller
Cochran	Hutchison	Sarbanes
Conrad	Jeffords	Sasser
Coverdell	Johnston	Shelby
Craig	Kempthorne	Simpson
Daschle	Kennedy	Specter
Dole	Lott	Stevens
Domenici	McConnell	Thurmond
Dorgan	Mikulski	Wallop
Durenberger	Murray	Wofford
Gramm	Packwood	
Hatch	Pressler	

NAYS—57

Baucus	Ford	Mack
Bingaman	Glenn	Mathews
Bond	Gorton	McCain
Boren	Graham	Metzenbaum
Bradley	Grassley	Mitchell
Brown	Gregg	Moseley-Braun
Bryan	Harkin	Moynihan
Campbell	Heflin	Murkowski
Chafee	Helms	Nickles
Coats	Inouye	Nunn
Cohen	Kassebaum	Pell
D'Amato	Kerrey	Reid
Danforth	Kerry	Riegle
DeConcini	Kohl	Robb
Dodd	Lautenberg	Roth
Exon	Leahy	Simon
Faircloth	Levin	Smith
Feingold	Lieberman	Warner
Feinstein	Lugar	Wellstone

So the motion to table the amendment (No. 636) was rejected.

The PRESIDING OFFICER. Without objection, the Reid amendment (No. 636) is agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 662

Mr. WOFFORD. Mr. President, I oppose the amendment to eliminate the Market Promotion Program. I believe the Market Promotion Program serves an important role by helping domestic producers strengthen exports markets. It helps offset unfair trading practices that our producers encounter when trying to make inroads in foreign markets.

I also believe the Market Promotion Program should be reformed to ensure that priority be given to small- and medium-sized companies that need our help in establishing a foothold in foreign markets.

To cut funding for the Market Promotion Program does not reform the program, it simply shrinks the pot of available money for all participants. Without real reform, the public and Congress will continue to criticize the program. If we continue at the current rate of reducing the MPP moneys, we will not need to have this discussion in another year or two.

Unfortunately, the loser in all this is American agriculture. They are trying to be more competitive and respond to the markets by developing the value-added products that, many times, make the difference between profit and loss. At a time when we are negotiating trade agreements that will drastically change what we produce and who buys it, we should be certain our small- to medium-sized companies have the support they need. With reform, the Market Promotion Program is one tool that can help to do just that.

For this reason. Mr. President, I oppose the amendment to eliminate funding for the Market Promotion Program.

Mr. KERRY. Mr. President, the taxpayers know, and so do we, that there is still a great deal of room to cut the budget without gravely harming our ability to meet pressing national needs—even after the $329 billion in cuts proposed by the President. There are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

That is the reality, Mr. President, and when we deny it we succeed only in making people cynical about their elected officials. Our constituents see these programs ridiculed on "Sixty Minutes" and on the evening news. And they feel ridiculed themselves—because it is their hard-earned money that pays for these programs. The amounts may not matter as much as the idea that the Government is careless with tax dollars. They understandably believe that we should not raise taxes or eliminate programs that help those who truly need our help before we have cut all the expenditures that are unnecessary or wasteful.

Senator BRYAN offered two amendments yesterday which would eliminate two of the programs which most deserve to be terminated: the wool and mohair subsidy and the Market Promotion Program.

The wool and mohair subsidy is an outdated program established 40 years ago and never eliminated despite the fact that it has outlived its original purpose. This program was designed to encourage increased production of wool, which was considered a strategic material in 1954 for military uniform and blanket production. Wool is no longer a strategic material and, in fact, the Defense Department no longer needs mohair for nothing other than the braids on uniforms.

Not only does the wool and mohair subsidy transfer taxpayer money to a group of ranchers for a purpose which is no longer considered strategic to the Nation's defense, but, according to a 1990 GAO report, it is not even successful in encouraging production of wool or in improving its quality.

This program, if retained, would cost the U.S. taxpayer almost $700 million over the next 5 years. I am gratified that my colleagues agreed yesterday to accept the amendment to eliminate it which I was proud to consponsor, and I hope that the Senate conferees will work to ensure that the Senate-House conference agrees to the termination.

The Market Promotion Program was created in 1986 to increase exports of agricultural products. Despite the fact that agriculture constitutes only 10 percent of U.S. exports, it receives 74 percent of export promotion dollars. MPP funds have been used to promote such well-established brands as Sunkist Growers—which has received $86 million since 1986; Blue Diamond, $35.7 million; Dole, $14.9 million; and Ernest and Julio Gallo, $14.5 million.

The U.S. taxpayer paid for a failed media campaign by the California Raisins to introduce Japanese children to the dancing raisin—which failed because the dancing, shriveled raisins frightened the children. More important, the California Raisins already had the dominant market share in Japan. MPP money has been used to attempt to peddle Ernest and Julio Gallo Wine to the French; to advertise Japanese-made underwear—manufactured with American cotton—in Japan; to promote McDonald's Chicken McNuggets worldwide, and to sell Campbell's V-8 juice in Korea, Japan, and Taiwan.

Most of the companies receiving MPP funds are major firms with millions of dollars in profits. Taxpayers cannot be blamed for feeling that they are simply reimbursing companies for advertising they would have run in any case. M&M/Mars, which received $785,000 last year, has an annual advertising budget of $272.4 million. The Washington Post asked Mars why it bothered to apply for Federal funds. The company spokesman compared the program to a mortgage deduction. "If it's available, you would certainly take advantage of it," he said.

What adds insult to injury in the case of the MPP is the fact that the Department of Agriculture could do much more for exports of high value-added agricultural products—products made from basic farm commodities—if it simply ceased spending billions of dollars supporting high domestic prices on those commodities. If peanut prices were not held artificially high, U.S.-made peanut butter would be cheaper. So, too, would be products made from cotton, sugar, rice, and milk. Over the next 5 years, the American taxpayer will spend $46 billion on these price support programs.

Our political system is structured to make change difficult. The Founding Fathers wanted to avoid swings in policy. As long as the economy was growing, we could ignore failed programs and simply add programs that we hoped would work better. However, in these times of climbing deficits and strangling interest rates, we cannot afford to continue to fund wasteful programs when we have so many current priorities and so little money to fund them. We must force the system to respond to changing circumstances.

President Clinton is the first President in over a decade to demonstrate

real leadership for cutting back some of these programs. He economic plan would cut the deficit in half as a percentage of GDP by 1997. But the cuts he includes in his plan have been subject to endless attacks from the special interests, who propose that someone else's program be cut before theirs. Even in Congress, where Members of both parties have chided the President for not cutting enough, many of the cuts he originally proposed were whittled away by Members protecting their parochial interests.

In light of the $300 billion annual Federal deficit and $4 trillion national debt, we not longer can be swayed by special interest pleading. At a time when we are asking middle-income Americans to pay more in taxes, we must face the tough choices. In fact, we should go even further than the President has suggested. This is unique opportunity while the Nation is focused on deficit reduction and crying out for change in how the Federal Government conducts its business. If we take a bold step now, we can restore some integrity to the Federal Government and its budget process.

Obviously, we cannot ask others to make sacrifices and refuse to make them ourselves. I introduced a bill that would make cuts in a variety of programs including several important to Massachusetts. Senator BRYAN introduced the amendment to terminate the wool and mohair program although there are wool producers in his State. The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest.

I hope that these amendments, which would eliminate two wasteful programs, will illustrate that there is much more that can be done to cut the deficit if we are willing to make choices and that, in addition, they will motivate us all to make many more of these choices.

Mrs. BOXER. Mr. President, I oppose the amendment offered by my colleague from Nevada, Senator BRYAN, to eliminate the Market Promotion Program.

The President's budget request freezes funding for the Market Promotion Program [MPP] at the fiscal year 1993 funding level of $148 million. I strongly support funding at this level and oppose any further cuts in this successful program. While recognizing the need to cut farm program spending, I believe that the MPP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price supports and toward expanding markets.

The U.S. Department of Agriculture estimates that each dollar of MPP money results in an increase in agricultural product exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own. While the program has been the subject of criticism, some of it justified, I believe it would be a mistake to cut the program because of a few cases of poor judgment. Overall, the program has greatly benefited the small growers for whom it was intended.

The MPP is a wise investment in American agriculture and I urge my colleagues to support it at the highest possible level.

VOTE ON MOTION TO TABLE AMENDMENT NO. 662

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bryan amendment, No. 662. The Chair reminds Senators that this will be a 10-minute vote.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—70

Akaka	Exon	Lott
Baucus	Feinstein	Mathews
Bennett	Ford	McConnell
Biden	Gorton	Moseley-Braun
Bond	Graham	Murkowski
Boren	Gramm	Murray
Boxer	Grassley	Nunn
Breaux	Harkin	Packwood
Bumpers	Hatch	Pressler
Burns	Hatfield	Pryor
Byrd	Heflin	Riegle
Campbell	Helms	Robb
Coats	Hollings	Sasser
Cochran	Hutchison	Shelby
Cohen	Inouye	Simon
Conrad	Jeffords	Simpson
Craig	Johnston	Specter
Danforth	Kassebaum	Stevens
Daschle	Kempthorne	Thurmond
DeConcini	Kennedy	Warner
Dole	Kerrey	Wellstone
Domenici	Kohl	Wofford
Dorgan	Leahy	
Durenberger	Levin	

NAYS—30

Bingaman	Glenn	Mitchell
Bradley	Gregg	Moynihan
Brown	Kerry	Nickles
Bryan	Lautenberg	Pell
Chafee	Lieberman	Reid
Coverdell	Lugar	Rockefeller
D'Amato	Mack	Roth
Dodd	McCain	Sarbanes
Faircloth	Metzenbaum	Smith
Feingold	Mikulski	Wallop

So the motion to lay on the table the amendment (No. 662) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first of all, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Will Senators take all conversations to the Cloakrooms?

Mr. CRAIG. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand that, before final passage, it would be appropriate to offer a motion to recommit with instructions, is that not correct?

The PRESIDING OFFICER. The motion to recommit would be in order.

Mr. CRAIG. Mr. President, I so move to recommit the pending bill to the Committee on Appropriations, with instructions to report back forthwith the status quo, with the single exception of the provision dealing with the wool and mohair program.

Mr. BUMPERS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Is that a debatable motion?

The PRESIDING OFFICER. No debate is in order at this time.

Mr. BUMPERS. Mr. President, I move to table the motion of the Senator from Idaho, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

VOTE ON THE MOTION TO TABLE THE MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas [Mr. BUMPERS] to table the motion of the Senator from Idaho [Mr. CRAIG]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—63

Akaka	Ford	Mathews
Biden	Glenn	McCain
Bond	Gorton	Metzenbaum
Boren	Graham	Mikulski
Boxer	Gregg	Mitchell
Bradley	Harkin	Moseley-Braun
Breaux	Hatfield	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Nickles
Byrd	Jeffords	Nunn
Chafee	Johnston	Pell
Coats	Kennedy	Pryor
Cohen	Kerry	Reid
Coverdell	Kohl	Riegle
D'Amato	Lautenberg	Robb
DeConcini	Leahy	Rockefeller
Dodd	Levin	Roth
Exon	Lieberman	
Feingold	Lugar	
Feinstein	Mack	

Sarbanes	Simon	Specter
Sasser	Smith	Wofford

NAYS—36

Baucus	Domenici	Kerrey
Bennett	Dorgan	Lott
Bingaman	Durenberger	McConnell
Brown	Faircloth	Murkowski
Burns	Gramm	Pressler
Campbell	Grassley	Shelby
Cochran	Hatch	Simpson
Conrad	Heflin	Stevens
Craig	Helms	Thurmond
Danforth	Hutchison	Wallop
Daschle	Kassebaum	Warner
Dole	Kempthorne	Wellstone

NOT VOTING—1

Packwood

So the motion to lay on the table the motion to recommit was agreed to.

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

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

The motion to lay on the table was agreed to.

CHILD AND ADULT CARE FOOD PROGRAM

Mr. McCONNELL. Mr. President, I want to take a moment today to discuss a provision that is included in the committee report to the Agriculture appropriations bill. The committee has recommended that funds in the Child and Adult Care Food Program be used to continue the demonstration projects operating under section 17(p) of the National School Lunch Act. I want to express my strong support for this provision and look forward to the continuation of this successful demo project for another year.

Because of the section 17(p) pilot project, more than 10,000 children in Kentucky are receiving nutritious meals and snacks under the Child and Adult Care Food Program. This demo was initiated in the 1989 Child Nutrition and WIC reauthorization bill to address a discrepancy in law that prevents some low-income children from participating in the CACFP.

Under the current law, 25 percent of the children in a center must receive title XX social services block grant, funds in order for a proprietary center to be eligible for meal reimbursement. There was a time when this provision was appropriate; however, times have changed. Title XX is no longer an appropriate or accurate indication of the number of low-income children participating in child care programs. There are several other grant programs including the Child Care and Development Block Grant Program, the At-Risk Child Care Program and AFDC Child Care, which target funds for low-income child care purposes.

The demonstration project changes the eligibility criteria so that a for-profit center may participate in CACFP if 25 percent of the children qualify for free and reduced-price meals under the National School Lunch Act. This new provision allows participation to be based on income levels, rather than on receipt of other Federal money.

In Kentucky, over 200 centers now participate in the CACFP demo and are able to serve over 10,800 children healthy meals and snacks every day because of the pilot project.

The demonstration projects have been very effective and popular with the child care centers. More children are consuming nutritious, high-quality meals that they otherwise may not have received without the funds provided for this program.

USDA is currently evaluating the results from a study of the pilot project. I look forward to the continuation of this project and appreciate the committee's inclusion of language providing funding for the demo for fiscal year 1994.

BIOTECHNOLOGY FACILITY

Mr. KEMPTHORNE. Mr. President, I am on record supporting careful scrutiny of Federal spending to eliminate waste, to reduce the deficit and shift support to dynamic, efficient and effective programs. As my colleague from Idaho has pointed out, one such worthwhile project is the biotechnology facility at the University of Idaho.

In 1990, a study by the Cooperative State Research Service determined that inadequate laboratory and support facilities, most dating from the 1940's and 1950's, posed a real barrier to current and future agricultural research. Based on this recommendation, Congress authorized $5.9 million in fiscal year 1990, to be matched with State funds, to update the biotechnical facilities at the College of Agriculture. The $1.5 million which has been appropriated so far has been matched and even exceeded by the State of Idaho and the university's commitments of $1.7 million.

The University of Idaho College of Agriculture's function, as with all land grant institutions, is to bridge the technology gap and conduct research which directly benefits the State of Idaho, the Pacific Northwest and the Nation. This mission is supported by Congress' continuing commitment to apply advanced technologies to meet the challenges faced by the agricultural industry in food quality and nutrition, and environment and public health.

The University of Idaho stands poised, ready to take active part in cooperative research efforts to apply cutting edge technology to find the solutions to these challenges. We can reduce dependence on agricultural chemicals by engineering plants that are resistant to disease or tolerant of adverse conditions. Viruses can be altered to specifically attack weeks and insects, decreasing the need for herbicides and insecticides. Food nutritional quality can be improved, helping basic staples such as corn and wheat meet more nutritional needs. Crops can be altered so that their characteristics meet the specific demands of foreign markets.

The Federal Government must take its responsibility seriously. Waste and inefficiency should be eliminated, but we must not eliminate valuable programs essential to maintaining our country's technological edge. Biotechnology is an essential tool to improve our Nation's food quality, protect our environment and develop international markets. The biotechnology research facility at the University of Idaho is designed to be a key component of national cooperative research efforts in these areas. With these points in mind, I support the senior Senator of Idaho's endorsement of continued funding of the biotechnology facilities at the University of Idaho.

Mr. GORTON. Mr. President, as a member of the Senate Subcommittee on Agriculture Appropriations, I would like to discuss many of the items included in the bill upon which we will vote today. I congratulate Senator BUMPERS, the subcommittee's new chairman, and Senator COCHRAN, the ranking Republican, for putting together a good bill which includes important spending priorities and budget considerations. I would also like to thank both Senators for accommodating the requests of this Senator within the bill.

Included within the bill are many important items for the State of Washington. Washington State University's animal disease biotechnology facility, once completed, will house vital research on disease and bacteria. The bill includes funding for this important research facility. In addition, the bill includes research which will help Washington State's agriculture community produce high quality and high-yield crops for small fruit, barley, hops, wheat, peas, and lentils.

This bill also includes report language which I offered as an amendment to fund a special E.coli research initiative, in light of the E.coli epidemic which took the lives of three and sickened hundreds in my State earlier this year. This tragedy brought to light that research on this bacteria is inadequate. I hope that the language included within the bill will result in funding of this very important research proposal as part of the USDA Pathogen Reduction Program.

The subcommittee also took a very important step toward reforming our food safety system by increasing the funding level of the Food Safety and Inspection Service [FSIS]. The subcommittee provided FSIS an increase of $22.871 million over fiscal year 1993 appropriation—in part to fund the Secretary's PRP Program. It is clear that the subcommittee gave careful consideration to the tragic E.coli epidemic in Washington State earlier this year and acted in an effort to stop another tragedy from occurring.

I also appreciate the subcommittee's acceptance of an amendment which

will help Pacific Northwest wheat growers get a foot in the door with Russian wheat purchasers. Pacific Northwest wheat represents nearly one-third of all United States wheat exports and, together with Senator HATFIELD, I was successful in amending the subcommittee report to include language which requests the Secretary to work with Russian officials to purchase a significant amount of Pacific Northwest wheat. This amendment should translate into jobs and economic opportunities for wheat growers in Washington State and throughout the Northwest.

I applaud the subcommittee's efforts to provide a substantial increase in funding for the Women, Infants, and Children Program [WIC] from last year. Senate appropriators funded the WIC Program at $3.214 billion, a $4 million increase over the House-recommended level. The WIC Program is cost effective and the return on our investment pays off in healthy babies, and healthy mothers whose health would otherwise be in jeopardy.

I have one frustration with the bill before us today, however, and that is the drastic reduction of the Market Promotion Program [MPP]. The reduction of this program will impact small growers and producers across the United States. The subcommittee elected to fund the MPP Program at $75 million, an amount which is $52.734 million less than the House and $73.734 million less than the fiscal year 1993 appropriation.

Mr. President, many of us read stories in the Washington Post, editorials and watched the news shows criticizing the MPP Program. In fact, I concur with those who have questioned the use of these funds arguing that many of these large corporations should have the financial resources to promote their own products abroad without help from the MPP Program.

But then again the news stories do not talk about the real successes of the MPP Program. These success stories come from across the country—including Washington State.

With the assistance of MPP funds, United States apple exports have skyrocketed in value from just $130 million in fiscal year 1988 to $344 million last year. Last year the Washington Apple Commission received $4.41 million in MPP funds—funds which were matched with $1.42 million by the apple industry—for promotional activities in 20 countries. Washington apple exports have grown from less than 10 percent in 1986-87 to 27 percent last year. Washington apple sales to Mexico—a market which opened last year—represents nearly $42 million in sales for apple growers in my State. MPP funds helped to promote and advertise apples in Mexico, which in turn spells more sales and more jobs for Washington State growers.

Undoubtedly funding for the MPP Program will be discussed during the House-Senate conference. At that time I will advocate for higher funding for the MPP Program. I understand that funding for the program and restrictions upon those who can apply for MPP funds is currently being discussed by conferees to the budget reconciliation package. In that effort, perhaps there are some recommendations which House and Senate Agriculture Appropriations conferees can make which will help eliminate many of the perceived misuses with the program and keep the program alive for those small growers and farmer cooperatives who would not be able to promote their products without it.

Lately, yesterday I offered a sense of the Senate resolution which criticizes the unfair actions of the Japanese Government to prohibit the import of United States apples for the past 22 years. The entire U.S. Senate agreed, and accepted this amendment by unanimous consent. This is an extremely important market for Washington apple growers and it has become crystal clear to this Senator, and others, that Japan's rationale for the prohibition is political and nothing more.

Mr. President, I am pleased to vote in favor of final passage of the fiscal year 1994 Agriculture appropriations bill. Both Senator BUMPERS and COCHRAN have done an outstanding job of balancing spending priorities with budget considerations and I urge my colleagues to vote in favor of final passage.

AMENDMENT NO. 638

Mr. CRAIG. Mr. President, yesterday there was some discussion regarding the honey program. When we consider the honey program I think that it would be more appropriately renamed the pollinator program. To restate a well-used phrase: "It's pollination stupid!"

In that regard I would like to make a few comments regarding bees, pollination, and their importance to agriculture.

There are several areas of concern currently within the honey bee industry:

First, the lack of understanding within the general population of this country, including agriculture, regarding the value of bees as pollinators.

Second, the funding for the scientists working on the problems associated with honey bee and nonhoney bee species.

Third, the impact caused by the potential loss of income from the honey price support program.

Fourth, the dramatic increase of imported honey, much of it being of inferior quality.

Mr. President, the monetary value of bee pollination in crop production has been estimated at $9.7 billion dollars per year. Production of some crops, such as almonds, is totally dependent upon bee pollination. Yet, the American consuming public has mostly been unaware of the benefits of bees in providing foods—more than honey—to their tables. They associate only the production of honey from the bees without realizing the far greater values provided through pollination.

The honey bee and its benefits are also currently threatened by the Africanized honey bee. This bee is now in more than 50 counties in Texas and last week was identified for the first time in Arizona. The well documented ferocity of the Africanized bee is sure to cause many problems in the United States. Interbreeding with domesticated honey bees will result in increased management problems for bee keepers as well as danger to the general public.

It should also be noted that two species of mites are also causing great damage to honey bee colonies through out the United States, resulting in grave concerns for the management of honey bees. The industry is facing more problems than any other time in recent history with limited research dollars.

It is my understanding that over 30 percent of our domestic sugar market is filled by foreign imports. My honey producers tell me that much of that is of inferior quality. Any adjustment to our domestic program that does not take this important factor into consideration would be shortsighted at best.

In short, there are many benefits the honey support program has provided, not the least of which is producer and consumer price stability. This has permitted fruit, vegetable, fiber, seed, and oil producers to depend upon a stable supply of pollinating insects, which in turn provides high-quality, low-cost produce and products to the consumer.

WIC FULL FUNDING

Mr. DECONCINI. Mr. President, I would inquire as to whether my good friend and manager of the bill, Senator BUMPERS, would consent to entering into a colloquy regarding the full funding schedule for WIC, the Special Supplemental Feeding Program for Women, Infants, and Children?

Mr. BUMPERS. Mr. President, I would be happy to yield to my good friend from Arizona, Senator DECONCINI, for that purpose.

Mr. DECONCINI. Mr. President, the WIC Program serves as a best example for what Government can do when its scarce resources are properly invested. The President understands this and that is why he has proposed WIC full funding by the end of 1996. The Senate also understands this and that is why 71 Senators joined Senator CHAFEE and me in our fiscal year 1994 WIC appropriations letter to Chairman BUMPERS urging the full $3,287 billion requested by the President for fiscal year 1994. Unfortunately, fiscal restraints stand in the way of achieving the fiscal year 1994 request, but that does not mean

that the goal for full funding by the end of fiscal year 1996 need be abandoned.

Mr. President, it is this Senator's understanding that while the President's proposed $427 million increase for WIC could not be accommodated within the Senate subcommittee's 602(b) allocation for fiscal year 1994, the President's goal for full funding still can be achieved through three $350 million increases in each of the next 3 fiscal years.

I would inquire as to whether Senator BUMPERS would clarify for the record whether he believes that the funding level for WIC contained in the fiscal year 1994 Agriculture appropriations bill keeps the program on target for full funding by the end of fiscal year 1996?

Mr. BUMPERS. Mr. President, I would be happy to respond to the Senator from Arizona. The subcommittee was indeed confronted with a very tight 602(b) allocation for fiscal year 1994 which prevented it from providing the full $427 million increase over the fiscal year 1993 level requested by the President. The approach taken by both the Senate Appropriations Committee and approved by the House does not jeopardize the President's goal of WIC full funding by the end of fiscal year 1996. The President's goal for full funding can be achieved through even incremental increases of $350 million in each of the next 3 fiscal years 1994, 1995, and 1996.

While neither the Senate nor the House can ever guarantee what will occur in future appropriation's cycles, this Senator certainly is committed to the President's goal of full funding at the earliest possible time. As the Senator from Arizona knows very well, I have been working with him and others in this body on WIC full funding for many, many years. As the new chairman of the Agriculture subcommittee, I have made certain that WIC is the subcommittee's highest priority for fiscal year 1994. I pledge to my good friend from Arizona that I will do all I can to meet the President's goal for full funding.

Mr. DECONCINI. I thank the Senator from Arkansas, Senator BUMPERS, for that clarification and also for his continuing leadership on this vital nutrition program approximately 9 million eligible women, infants, and children.

Mr. ROTH. Mr. President, I intend to vote against the Agriculture appropriations bill because of its 17 percent increase in spending over the current year's amount. However, I do want to express my strongest support for two amendments adopted by the Senate which made improvements in the bill.

The first amendment eliminates the Federal Government's subsidy of the wool and mohair program and will save the Federal Government $190 million annually. This program is no longer needed. When the program was created in 1954, wool was considered a strategic material. This is no longer the case, and if we are going to reduce Federal spending, we must begin by eliminating outdated programs such as this. The second amendment reduces funding for honey subsidies by $1.5 million a year. Critics of this program, including the General Accounting Office, claim that price supports are no longer necessary to provide crop pollination services.

Mr. President, both of these proposals were contained in the deficit reduction plan I released on March 17 to reduce the Federal deficit by $558 billion over the next 5 years. In fact, with regard to the second amendment, I favor an elimination of this program.

Mr. President, as I travel throughout Delaware, my constituents have sent a clear message—"Cut spending first." Despite the progress made with these two amendments, the bill will still appropriate more than $70 billion, $10 billion more than is appropriated for the current fiscal year. Federal spending doubled during the 1980's. This bill continues along that trend.

POULTRY BIOCONTAINMENT FACILITY

Mr. BIDEN. Mr. President, I would like to take this opportunity to discuss with the chairman the poultry biocontainment facility that is being developed at the University of Delaware. The Agriculture Appropriations subcommittee provided $350,000 for planning of this facility. I would like to, again, express my appreciation to the chairman of the subcommittee for his support for this important project.

The poultry industry on the Delmarva Peninsula is critical to the economy of my State. Last year, the industry generated $1.2 billion in revenues and was directly responsible for 22,000 jobs. Poultry is far and away the single largest component of my State's agricultural economy.

However, diseases pose recurring threats to the health of the poultry industry and the regional economy. Avian influenza, for instance, which has threatened Delaware and the mid-Atlantic region in recent years, has the potential to devastate the poultry industry. Being from Arkansas, where the poultry industry also thrives, I know the chairman understands the magnitude of the problems such diseases can create.

The USDA also understands the need to combat these diseases. The agency evaluated the university's proposed $7 million lab and determined that it is required to continue the highly sophisticated research directed at solving poultry disease problems that have a national impact. The Federal share of this project is $3.5 million.

My State and the University of Delaware have made the facility a top priority. State and private funds have been secured with all the speed this situation demands. There should be no question about depth of the local commitment to complete and operate this lab. Nor should there be any question about its importance to the future growth of the poultry industry and the regional economy.

The Federal Government has also made an initial commitment of $350,000 to this worthy project. It is my understanding that this amount, 10 percent of the total Federal share of the facility's cost, is the standard allocation for the first year after a USDA feasibility study is completed. I am grateful for the committee's support, particularly in light of strict budget limitations the committee is operating under.

However, I ask the chairman and the USDA to take notice of the significant amount of preliminary progress that the university has already made on the facility using State and private funds. In short, the strong local commitment and foresight has resulted in a situation in which construction of the lab could move ahead of the normal timetable USDA would expect. I would hope that some accommodation could be reached in conference in recognition of the State's initiative to expedite the Federal funding schedule as much as possible.

Mr. BUMPERS. The Senator from Delaware makes a compelling case. As he noted, I am personally familiar with the vital importance of developing strategies and facilities to prevent and minimize the diseases that can cripple the poultry industry. The Senator from Delaware has made it clear to me and to others the importance the agricultural community in his State places on opening this lab as quickly as possible.

The Senator is aware of the budget constraints that guide our decisions. I assure the Senator that this initial funding represents a commitment on our part to provide additional funds in the future and to see the project through to completion. I cannot make promises about conference, but should additional funding become available, with the House's concurrence, I will be pleased to consider increasing the allocation for this facility in light of the progress that has been made to date.

RUSSIAN WHEAT APHID

Mr. CAMPBELL. I would like to engage Chairman BUMPERS in a colloquy on the issue of ongoing research into the impact of the Russian wheat aphid on our Nation's wheat crop. As the chairman knows, the Russian wheat aphid, discovered in North America in 1986, has rapidly become the most dangerous insect pest of wheat and barley in the western United States. Its total economic impact, according to the most recently available data, is in excess of $657 million. Since 1986, approximately 17.5 million pounds of insecticides have been used to control the Russian wheat aphid. Aside from the cost associated with these insecticides,

their usage raises considerable concern about the impact on water quality, human health, food safety, and general environmental quality.

Colorado, unfortunately, has been particularly hard hit. Due to its climate, cropping systems, and geographical location, Colorado has accumulated losses from yield reductions and increased insecticide application costs in excess of $90 million.

As the State that has witnessed the single highest economic impact from the Russian wheat aphid, I believe there is a strong argument for including my State in the CSRS research program. Additionally, Colorado researchers are conducting research not being conducted in any other State. Researchers in my State are in the process of developing a wheat strain resistant to the aphid, as well as studying the migration of the aphids to better develop integrated pest management systems that are less dependent on insecticides.

Mr. BUMPERS. As I am sure the Senator from Colorado knows, the House did include funding for Russian wheat aphid research programs and included the State of Colorado in the list of eligible States. My subcommittee has also included funding for this program in the bill before the Senate today. My subcommittee, unfortunately, had many requests and was not able to include Colorado in the list of eligible States.

Mr. CAMPBELL. I would be interested to know if the chairman would be adverse to the conference committee supporting the funding priorities included in the House so that my State could participate in this important program.

Mr. BUMPERS. I would be pleased to consider the request of the Senator from Colorado to support the House position on the issue of research on the Russian wheat aphid in the conference committee on H.R. 2493

Mr. CAMPBELL. I appreciate the chairman's assistance and look forward to helping him with any issues that might come up between now and when the conference committee completes its work.

AGRICULTURAL QUARANTINE AND INSPECTION PROGRAM STAFFING SHORTAGES AT MIAMI INTERNATIONAL AIRPORT

Mr. GRAHAM. Mr. President, I commend the Agriculture Appropriations Subcommittee chairman and the members of his subcommittee for their efforts in compiling this comprehensive and fair bill, considering the many requests that they receive each year from individual members. As always, the subcommittee has recognized the many concerns of the State of Florida in such areas as sweet potato whitefly research, tropical and subtropical agricultural research, and continued support for the IR-4 Program.

Mr. BUMPERS. I thank the Senator from Florida for his comments.

Mr. GRAHAM. If the chairman would indulge this Senator, I would like to take a few moments now to pursue clarification from the chairman on one aspect of the budget for the Agricultural Quarantine and Inspection (AQI) Program, administered by the Animal and Plant Health Inspection Service.

In a May 17 letter, 15 members of the Florida congressional delegation wrote to the subcommittee regarding the serious problems that our State has experienced in preventing the entry of exotic pests and diseases through Florida's ports of entry. In 1991 alone, Florida welcomed 9.6 million international passengers and received 151,000 shipments of international cargo into its 10 deepwater ports and 8 international airports. In fact, Miami International Airport has now surpassed John F. Kennedy International Airport in terms of the volume of imported agricultural goods.

I note that the subcommittee has provided a $9.627 million increase over last year's appropriation for the AQI Program. Is it fair to assume that the $9.627 million funding increase in the AQI Program, as recommended by the subcommittee, is meant to help meet the increasing personnel needs of our Nation's busiest ports of entry? And that, as such, Miami International Airport can expect to receive additional staffing as a result of this appropriations bill?

Mr. BUMPERS. The Senator from Florida can be assured that the subcommittee carefully reviewed his correspondence and is aware that a shortage of personnel has occurred at major airports such as Miami International Airport and expects the increased funding to alleviate these staffing shortages.

Mr. GRAHAM. I thank the chairman for his time and his consideration of this request.

SENATE COMMITTEE ON THE BUDGET

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2493, the agriculture appropriations bill and has found that the bill is under its 602(B) budget authority allocation by $118 million and at its 602(b) outlay allocation of $48,981 million.

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

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

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2493, FISCAL YEAR 1994 AGRICULTURE APPROPRIATIONS

[In millions of dollars]

	Budget authority	Outlays
BILL SUMMARY		
Discretionary total:		
New spending in bill	14,460	10,562
Outlays from prior years appropriations		3,588
Permanent/advance appropriations	0	0
Supplementals	0	−11
Subtotal, discretionary spending	14,460	14,139
Mandatory totals	44,502	34,842
Bill total	58,962	48,981
Senate 602(b) allocation	59,080	48,981
Difference	−118	0
Discretionary total above (+) or below (−):		
President's request	−80	9
House—passed bill	94	−90
Senate—reported bill		
Senate—passed bill		

Mr. HEFLIN. Mr. President, this is not the first time Congress has been asked to consider an appropriations bill that would seek to charge the regulated industry for enforcement and related activities that we authorize. It seems as if every time we run short of money to fund all the programs that we mandate, we look for ways to shift the costs of these programs, instead of trimming fat. User fees in the context of public health regulation is a misnomer; it is the public, not the regulated industry that receives a benefit from such programs, and it is the public that should pay for them. But it should be paid for through general funds, not through a hidden tax, and that is precisely what an extra cost of regulation will become. I strongly urge the conferees on this bill to strike the FDA user fees provision before producing a final bill.

Mr. SIMPSON. Mr. President, yesterday the Senate passed by voice vote an amendment by Senator BRYAN which would wholly eliminate the wool and mohair program. Throughout the course of my career in the Senate, I have been a strong and vocal supporter of this program. It is a program that works. Producer payments are derived from foreign tariffs on imported wool. It does not rely on the Treasury. It is not like some other fill-their-pockets farm subsidy programs. The largest payment allowed to producers under the program is $125,000. The sheep industry contributes $6.7 billion a year to our national GNP. It accounts for 350,000 jobs. Many of these jobs are filled by members of minorities in areas where other employment opportunities are limited. It is a program which is extremely important to the sheep producers in my home State of Wyoming.

Based on the foregoing facts and the program's cost efficiency, it has always been one of my legislative priorities to make certain that the wool and mohair programs were treated fairly in Congress. When Senator BRYAN offered his amendment yesterday, he did so under an agreed procedure in which Senators

had been advised that no rollcall votes were to be conducted. When bills are brought before the Senate, the ranking member on the committee of jurisdiction, or the subcommittee of jurisdiction, serves as the manager of the bill. The Democratic bill manager—while they are in the majority—is the chairman of the committee or the chairman of the subcommittee with jurisdiction. Senator BRYAN'S amendment certainly did have significant opposition—however, the ranking member of the appropriations subcommittee, my good and able friend Senator THAD COCHRAN, concluded that the most effective defense of this program could be mounted in the House-Senate conference committee. It is there that the differences between the House version of the bill and the Senate version of the bill would be worked out. The wool and mohair program is strongly supported in the House version of the bill. Senator COCHRAN then agreed to have a voice vote on the Bryan amendment and, in his own words, "take the issue to conference and see if we can work out an appropriate provision in conference with our House counterparts." It is in the House that Agriculture Committee Chairman DE LA GARZA, is absolutely without peer in his support for the wool and mohair program. It is well known that Chairman DE LA GARZA is uniquely positioned to champion this program. So the strategy employed was for the Bryan amendment to prevail by voice vote, and then for the Senate to support the House version of the bill in conference as it related to wool and mohair. Much of that strategy was based on a vote which occurred in the Senate on June 25, 1993. On that date—on a purely procedural matter—supporters of the wool and mohair program in the Senate garnered only 45 votes to defeat a motion by Senator BRYAN to kill the program. Fortunately, on that procedural vote on the budget act, Senator BRYAN needed 60 votes, which, on that particular occasion, he was unable to obtain. On this present amendment to the agriculture appropriations bill, he would have only needed a majority vote to kill this program. Based on the June 25, 1993, vote, Senator COCHRAN made the decision to fight this battle in conference.

All of that may make a substantial amount of sense to a legislator. It may make less sense if you are an affected producer. It was a calculated strategy intended to save the program without forcing a recorded vote to indicate its support, or in this case, to conceal its lack of support.

After yesterday's voice vote, we began to receive telephone calls from various producers. As I have noted, the present level of support for the wool and mohair program in the Senate places it in a somewhat perilous condition. However, many of the producers who were affected called our offices and wanted to know just why it was that we did not force a recorded vote on this issue. Despite the strategy that I outlined and to which our floor manager subscribed—this is a representative democracy and we are here to listen and to respond to reasonable requests. Although it may have been the best strategy not to force a recorded vote, it certainly was a reasonable request by constituents to put the Senate on record as to how it stands on this issue. The parliamentary procedure utilized for this bill never precluded us from forcing a rollcall vote as we did today. The rollcall vote which we forced would have required the final version of the Senate passed agriculture appropriations bill to pass the Senate without any changes whatsoever in the wool and mohair programs. Senator BUMPERS moved to table, or kill, our effort. He was successful by a vote of 63-36. In other words, the Senate rejected our efforts to maintain the wool and mohair program as contained in the House version of the bill.

During the budget debate, the Senate voted for a 5-year phase down of the program with a payment cap to reach $50,000 in 1997. This phase down was agreed to by producers in the wool industry with an estimated savings of $40 million over 5 years. That was a process completed in good faith by all affected parties. Senator BRYAN's effort to eliminate the wool and mohair program, in view of the current good faith efforts by producers to save money, was entirely unfair, especially since this is such a cost effective program. No other agriculture subsidy program was reduced as much as the wool program in the budget bill.

However, 63 of my colleagues did not see it that way. Now, the bill will go to conference. Those of us who support the wool and mohair program will do everything we possibly can to make certain that the House provisions governing it remain in place, and that the program is restored by the conference committee. However, I think it is so very important that the producers who benefit from this program also do everything in their power to help us make the case for this cost efficient program, which not only greatly helps the local economies of so many States, but is truly in the best economic interest of our Nation.

The PRESIDING OFFICER. The bill, as amended, is deemed read a third time.

The bill (H.R. 2493) was deemed read a third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—90

Akaka	Dorgan	Lott
Baucus	Durenberger	Lugar
Bennett	Exon	Mack
Biden	Faircloth	Mathews
Bingaman	Feingold	McCain
Bond	Feinstein	McConnell
Boren	Ford	Mikulski
Boxer	Glenn	Mitchell
Bradley	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Brown	Gramm	Murkowski
Bryan	Grassley	Murray
Bumpers	Harkin	Nickles
Burns	Hatch	Nunn
Byrd	Hatfield	Packwood
Campbell	Heflin	Pressler
Chafee	Hollings	Pryor
Coats	Hutchison	Reid
Cochran	Inouye	Riegle
Cohen	Jeffords	Robb
Conrad	Johnston	Rockefeller
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Sasser
D'Amato	Kennedy	Shelby
Danforth	Kerrey	Simon
Daschle	Kerry	Specter
DeConcini	Kohl	Stevens
Dodd	Lautenberg	Thurmond
Dole	Leahy	Wellstone
Domenici	Levin	Wofford

NAYS—10

Gregg	Pell	Wallop
Helms	Roth	Warner
Lieberman	Simpson	
Metzenbaum	Smith	

So the bill (H.R. 2493), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I move that the Senate insist upon its amendments to H.R. 2493 and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. MATHEWS] appointed Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr. GORTON, and Mr. HATFIELD, conferees on the part of the Senate.

Mr. BUMPERS. Mr. President, I wish to pay a special thanks to my ranking member on the subcommittee, Senator COCHRAN. We have worked together extremely well. As you know, this is my first year to chair the subcommittee. I just could not have had finer cooperation in getting this bill out, and I wish to pay special thanks to him.

I wish to pay a special thanks to the minority staff, Rebecca Davies; and the majority staff, Rocky Kuhn, Dan Dager, and Carole Geagley.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased the Senate voted with such an overwhelming show of support for the passage of this bill. I express my sincere appreciation to the chairman of the subcommittee, the distinguished Senator from Arkansas [Mr. BUMPERS] for his leadership in the handling of the bill and for the many courtesies he extended to the Members on this side during the hearings, and markup of the bill on the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the distinguished chairman.

Mr. BYRD. Mr. President, I wish to commend the managers of the bill, Mr. BUMPERS and Mr. COCHRAN, for the excellent work during the hearings, during the subcommittee markup, the full markup, and on the floor. Senator BUMPERS has been a member of the Appropriations Committee since 1978. This is his first year as chairman of the Agriculture Subcommittee. His knowledge and understanding of even the most minute details of this legislation have been evident since the first hearing he chaired this year. He should be proud of the outstanding work he has done on a very difficult bill.

In addition, the work of Senator COCHRAN, whose expertise in agricultural matters is well known and admired, is always appreciated.

Mr. President, the Senate is in debt to both of these Senators. I personally congratulate them and extend to them my thanks as chairman of the full committee for the excellent work they have done.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the full committee for his very kind remarks.

Mr. GRAHAM. Mr. President, the Emergency Food Assistance Program [TEFAP] provides nutritional food to unemployed and needy people, serving, in many instances, as their lifeline during times of dire hardship. Through this program, poverty stricken individuals and their families go to a variety of charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit food aid agencies to receive food.

In TEFAP funding, the State of Florida received $2.175 million in 1991 and $2.322 million in 1992, providing 180,000 families with nutritional assistance.

For the last several years, we have seen increasing cuts to TEFAP, including this year's proposal to decrease funding by 25 percent. I am concerned that many of these agencies will be forced to cut services or discontinue them altogether as a result of continuing cuts.

In the aftermath of Hurricane Andrew, TEFAP has provided critical support for the victims of this disaster, giving many devastated Floridians the chance to get back on their feet. With the seriousness of the disasters like Hurricane Andrew and the current one facing flood victims in the Midwest, TEFAP is a program that, if properly administered, can really help folks, long after the television cameras and emergency management professionals have left.

Mr. President, I would like to submit for the RECORD a letter from the commissioner of agriculture from the State of Florida, Bob Crawford, regarding this important issue.

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

FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES,
Tallahassee, FL, July 26, 1993.

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

DEAR SENATOR GRAHAM: I am writing to request your assistance in restoring funding to the Emergency Food Assistance Program (TEFAP). The House Appropriations Bill (H.R. 2493) cut administrative funding from $45 million to $40 million and food purchased from $120 million to $90 million.

More than 180,000 needy families in Florida depend on the food provided through this program. These families, many of whom are elderly, simply can not accept a 25% reduction. The foods available through this program have already been cut from $1 billion in 1987 to only $200 million this year due to the elimination of cheese and other surplus foods. The need for these foods have increased due to the impact of Hurricane Andrew. Florida needs more food for these families, not less.

Local governmental and nonprofit agencies provide the distribution of food directly to families throughout the state. Many of these agencies will be forced to either reduce the frequency of their distributions or discontinue their services that not only provide these services on a regular basis, but are a vital part of the state's ability to respond to the food needs of victims of disasters. Florida needs the continued support and services of these agencies.

Please share these concerns with Senator Bumpers and other members of the Senate Agriculture Committee. Florida can not address the hunger needs of our citizens without this vital program.

Sincerely,

BOB CRAWFORD,
Commissioner of Agriculture.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there now be a period for morning business not to extend beyond 12:30 p.m. today, with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators BENNETT, BOND, and GRAMM of Texas, to be recognized for up to 10 minutes each; Senator BOREN, to be recognized for up to 30 minutes; and with the last 30 minutes of the morning business period under the control of Senator PRYOR or his designee.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and I thank my colleague from Oklahoma, as well as the majority leader, for providing us this opportunity.

FLOODING IN THE MIDWEST

Mr. BOND. Mr. President, once again I wish to address this body on the situation of flooding in my State and through the upper Midwest. Unfortunately, the situation has not gotten any better, as those of you who have watched the news have seen. The crests are coming back higher. The flooding is longer than we have ever seen before.

I recently told this body that this flood was the worst I had seen in my career in public service, and it has only gotten worse. We have heard that the city of St. Joseph has lost its water supply. Water treatment plants are threatened up and down the Missouri River, and the flooding is bad along the Mississippi. But probably four-fifths of our damage is west of the Mississippi, the Missouri River and its tributaries. There is a great threat to Kansas City now as flood waters from the Kansas and Carl Rivers come in and meet cresting waters of the Missouri.

I visited small communities over the weekend in central Missouri when they were told that the flood crests would be 34 or 35 feet. They said that is higher than the levies they had. The floods will be covering farmland that has been protected and will be flooding cities that have not been flooded. The devastation is unbelievable.

We have just come from a meeting with Governor Carnahan of Missouri and the Missouri congressional delegation. Governor Carnahan has told us that his preliminary damages estimates for the State of Missouri alone are $2.7 billion. That is before the crests really moved down the Missouri through our State. That is before the water recedes so we can see the other damage that is not visible above the water.

Governor Carnahan, in his letter to the President, said water systems continue to fail, residents continue to be evacuated, levy systems are more unstable now than ever. As the situation worsens, the financial impact will grow. Unfortunately, I see no other alternative but that the situation will be worse.

We are hoping that the weather will break. There is some hope that maybe the weather patterns will change in the next day or so so the rain will stop. As long as it continues, the situation gets more serious.

With respect to agriculture, Gorvenor Carnahan has said we have already lost $1.6 billion in agriculture. Thirty-five percent of Missouri's agricultural crop production has already

been lost due to the flood. There are a few levies that are still holding, but when these crests hit, those will be gone.

A chilling fact for those interested in the plight of agriculture, and, really, all of us as consumers of food and fiber should be, is the fact that the Soil Conservation Service advised us this weekend that when the flood waters go down, to dry out the fields, to clean out the silt and the sand, to clean out the debris, to get the scouring impact cleaned up, and to level the fields again may take up to 2 or 3 years. In many of our richest farm production areas it could be 1995 or 1996 before they get a crop in. For this reason, I urge my colleagues, please, to move expeditiously on the flood relief bill that is coming over from the House, we hope, very shortly.

We have to have a first flood relief bill before we leave for a recess. This will not be the last. Other damage will be assessed later on. But for agriculture, I urge my colleagues to appropriate the full amount authorized under the agriculture bill, the farm bill of 1990. It comes out in the best of circumstances to about 42 cents on the dollar.

In recent years OMB has followed the practice, and the initial recommendation from the President was, that that relief be cut to 50.04 percent. The magnitude of this disaster and the length of time before farmers will be able to get back in the field, I think, makes it extremely important that we give the full authorized amount, which is only 42 cents on the dollar.

We have asked also for waivers of local match. When you are looking at several billions of dollars of damage in our State, it is unlike the small area impacted by a tornado where other parts of the State can come together and assist. We could not come up with the 20 percent match for all the public assistance and for all the levies throughout the State. We hope there will be waivers of the required match as well, at least lowering the figures, because right now it is beyond the resources of our State to pursue it.

We hope that there will be waivers of Corps regulations and FEMA regulations and soil conservation regulations, which say that only publicly sponsored levies will be assisted, because the devastation is widespread.

Mr. President, the human toll of this flood is something that is of a greater magnitude even than the monetary loss, the fields flooded, the houses broken. I have seen people out sandbagging, fighting, working in 98°, 99° weather building sandbags to hold the river out. They succeeded the first few days, the first few weeks. But many of those levies have been saturated, and their work has been for naught. In the small community of Pattonsburg, they were flooded 4 feet high. They went back in, they were cleaning up when I visited last weekend. This week the flood is back up. All of the cleanup work they started has to be started again.

This is a tremendous burden on the people who are fighting to save their homes, to save their business earnings, to save their farms. We appreciate so much the expressions of concern that have come from my colleagues in this body and other places. People around this country have indicated a sincere desire to help. I urge my colleagues to pass the bill expeditiously. Please do not try to start a new precedent and say we must offset any emergency spending with cuts in this bill. We do not have time to do that.

I will join with my colleagues and set aside a precedent for the future so that we have a separate fund for disaster relief because we know disasters occur. We did not do it for previous disasters. Please do not hold us hostage on this one. We need to get the assistance out. It ought to be our top priority funding, and we ought to cut the lower funding programs later on.

Finally, we do say we appreciate the concern, the outreach, the commitment that people have made to help. I would say that, if you want to help the people of the flooded States of the Midwest and elsewhere, contributing to the Red Cross and the Salvation Army will assist the two organizations that are always there in large cities, in rural communities. No matter how hot, no matter how foul smelling, no matter the danger to their health, they are there for the people who need them.

We appreciate the thoughts and the concerns. We ask for the prayers of the people of this country as we seek to recover from an unprecedented and historic flood.

I thank the Chair. I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

BUDGET RECONCILIATION CONFERENCE COMMITTEE

Mr. BOREN. Mr. President, no one doubts that the work going on in the conference committee on the budget reconciliation bill is important. For Senate veterans as well as Senate freshmen, the votes they cast on this bill will be among the most important of their careers.

Some have suggested that it is an important vote because the outcome will have an impact on the current political landscape. They say that it will affect the momentum of other important proposals of the administration. Others say that it will demonstrate whether Democrats are united enough to beat Republicans, or that it will show whether Democrats can govern when they control both the executive and legislative branches.

While some of these short-term political perspectives have some validity, they miss the main point. They confuse form with substance. They elevate the short term over the long-term impact of the decisions we are called upon to make.

This decision is far too important to be defined by shortsighted partisan political considerations. It is a basic decision about the nature of our country. It is a decision that will demonstrate whether this generation of Americans will make the sacrifices necessary to pass on to the next generation an undiminished heritage and as much opportunity as our parents and our grandparents passed on to us.

As Barbara Jordan told us at the last Democrat National Convention, these kinds of decisions implicate issues of generational justice. In deciding how I will vote when the conference report comes to the Senate, I intend to do my very best to put aside short-term considerations and to make a decision based on whether or not this proposal that will be presented to us will preserve our country's economic and social strength as we enter the next century.

No one doubts that we must get the deficit under control. The Federal debt has increased, as you can see from this chart behind me, from $1 trillion in 1980 to over $4 trillion in 1992. If no action is taken, by the year 2000 interest payments on the Federal debt will take up 25 percent of all Federal spending, leaving no room to cope with unforeseen national emergencies. By the time we enter the new century, net interest payments will consume all private savings in this country, resulting in a dependence on an uncertain supply of foreign capital to finance any job-creating economic growth in the private sector.

Mr. President, if we want to pass on to our children the opportunity that has been passed on to us, there is no way that we can allow that to happen. There is no way that we can allow all the private savings in this country to be consumed just to pay the interest on a debt caused by our living beyond our means so there will not be anything left to create jobs for those in the next generation and for those that will follow.

All of this comes at a time when our ability to compete in the world marketplace has eroded considerably. We no longer have 9 of the 10 largest banks in the world. Indeed, we do not have any of the top 20. The jobs we lost in the 1980's averaged $440 per week while the jobs we added averaged only $280 per week.

There is an urgent need to revise our tax system to reduce our competitive cost of capital and to encourage long-term investment to create real economic growth in this country.

Under the current tax structure, an American company paying the alternative minimum tax recovers, on average, 34 percent of its investment in equipment over 5 years. A similar company in Germany recovers 87 percent. A Japanese company recovers 64 percent. A Korean company recovers 95 percent. We cannot continue to make our tax policy in a vacuum, ignoring the effect on our businesses' ability to compete in the global marketplace.

That also has to do with the opportunity that we will pass on to the next generation. Whether we have the courage and tenacity to face up to these problems will have a lasting effect on the legacy we pass on to our children. Every year we wait, the problems will only become more intractable. Nor will waiting further into this President's term make them easier. Dealing with the fundamental causes for the budget deficits and our declining ability to compete economically will not get easier the longer this administration is in office. Nor will it be easier to face these issues in the context of health care reform, welfare reform, or some other difficult issue.

So far, the White House and the conference committee members have not yet demonstrated a determination to take the inadequate bills passed by both Houses and transform them into a product that will face up to our real problems in a way that will merit public confidence and trust. But it is never too late to try. There is still time.

While I have had many misgivings about the Senate bill, which was certainly preferable to the House-passed measure, I voted to send it to conference in the hope that it would be changed in a major way through Presidential leadership and bipartisan cooperation. I made it clear at the time that voting to send a bill to a conference committee, hoping to see it improve significantly, did not in any way imply a promise on my part to vote for the conference report if the bill was not substantially improved.

So far, what I see moving through the conference committee does not do enough to put our economic house in order. It should be judged by three main criteria: Does it reduce spending enough? Does it deal with the underlying structural causes of the deficit, namely, the explosive growth of entitlement spending? Is it bipartisan in its approach, so that all Americans can unify behind it?

Let us examine these criteria. First, as the administration admits, this proposal is only a first step to reducing the burden of the Federal debt. Even if its meets its $500 billion goal, we will still be adding approximately $1 trillion more to the national debt in the next 5 years. It is clear that to finally balance the budget and to start actually reducing the national debt, far more will have to be done. A long, sustained effort will be required.

I believe that the American people will support such an effort, even if it involves more taxes, if—and this is an important if—the American people are convinced that their leaders really have the will to cut spending and make Government more cost efficient. That is why it is essential that this budget package be one in which spending cuts are substantially greater than tax increases.

So far, the conference committee is struggling to stay at the even one-to-one ratio. The people want us to have far more to show for $250 billion in tax increases than merely the same amount in spending cuts.

If we do not force more spending cuts now, I do not know when we will ever have a better opportunity. We are very unlikely to have, during this administration, greater leverage to force spending cuts than we have, in the context of the revenue provisions of this bill. Even if it means a slightly slower process, let us enact more cuts, taking advantage, for example, of the work already underway to reduce administrative overhead costs, including ideas discussed by the Vice President's task force, and other initiatives. If it takes another week, or even another month, to produce a better plan, even if it means we cannot vote until September, let us take advantage of these better ideas. Let us look at cutting overhead spending and do some other things we can do to cut the spending.

Second, the bill does not do nearly enough to control the real reason for the growth of the Federal deficit—explosive increases in the cost of entitlement programs.

The 1990 budget agreement—and those of us who were here at that time remember it very well—failed. Why did it fail? It failed primarily because entitlement spending was not controlled. Again, let us look at the facts. Surely we can learn from experience what happened after the 1990 budget agreement, as we look back over what happened since 1962.

Actually, since that budget agreement, defense spending has come down. Discretionary spending also came in at roughly current levels, which meant it was below what was anticipated in the 1990 budget agreement.

Why did the 1990 budget agreement fail when we brought down defense spending, as projected, and held down discretionary spending, as projected? It failed because the entitlement spending and the spending on mandatory programs has gone absolutely out of control. We must not make that same mistake again and have taxes included in budget agreements and, yet, not control entitlement spending, and see that explosive growth of entitlement spending cause us to fall short of our goals.

In the last decade, entitlement spending, excluding Social Security, went up from $175 billion to about $450 billion this year.

As you can see from the chart, it is now projected to go over $900 billion in less than 10 years. In fact, it will go to over $900 billion in about 7 years, and it is projected to go to almost $1.5 trillion by the year 2010.

With entitlement spending now consuming 46 percent of the budget, and growing, we all know we can never get the deficit down without controlling these costs; it is practically a mathematical impossibility. Our challenge is to show that we cannot only tax progressively but that we can also cut spending in a fair and responsible way.

If we are to be honest with ourselves, we must face the fact that we can no longer afford to give entitlement subsidies to those that do not need them. We cannot afford to pay 80 percent of the Medicare health insurance premiums, or give Social Security COLA's to millionaires and other very affluent Americans.

Mr. President, how long are we going to stand here and do nothing about that? How long are we going to continue to tax the hard-pressed middle-income taxpayers, struggling to find the money to educate their children and to pay for their homes—middle-income and lower-income taxpayers—so that we can pay 80 percent of the Medicare premiums, $3,600 a year, for millionaires, or to provide COLA's for Social Security checks on which those very affluent Americans do not depend.

It is not fair. It is not fair to continue to tax the hard-pressed middle-income taxpayers to pay for the benefits that are not needed, simply to put the cost on them of the debt tab for the next generation. We all know it.

When are we going to do something about it? Why not now, and demonstrate to the people that we are going to do something to get this runaway entitlement spending under control?

Why continue to play a game and try to convince the American people that if we just raise more taxes and cut the defense spending, or just freeze the discretionary spending, we can get the budget deficit under control when we all know it is not true. Let us do something to really get the deficit under control.

At a minimum, this bill, should at least make a modest start at means testing benefits to reduce them for those who do not depend upon them. There should also be placed in the bill a mechanism to force Congress and future administrations to make the tough choices, to use our limited resources where they are most needed. Unless we control entitlement costs, even if we pass large tax increases, deficits will really not come down.

We must also face the fact that until we deal with entitlement costs, there will be great pressure to reduce defense

Five days and my constituents are wondering when the help will come.

Mr. Speaker, 17 of the 21 counties that I represent have been declared Federal disaster areas. I can not express the devastation that I have witnessed. The reports on the television give an impersonal view of the devastation caused by the floods. They show flooded fields, houses and businesses under water, but they fail to show how the lives of the flood victims have changed. Thousands can no longer go home at night after a days work because their houses are flooded. Many more are without clean drinking water and power. Bridges have been washed away and roads are still under water.

I say to my colleagues, if you could go there and see the looks on the faces of the men and women who are victims of this flood you would realize that 5 days has been too long. We need to pass the disaster supplemental today so that we can help the thousands of Americans who have been affected by the floods.

FLOOD RELIEF

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

Mr. GINGRICH. Mr. Speaker, let me say that it is outrageous to have Democrats come to the floor and complain about how long it is taking to get flood relief to the Midwest.

I promised Congressman GEPHARDT last Monday that we would help pass flood relief. We asked on Thursday to come back and pass flood relief. We asked again on Friday to pass flood relief. We are prepared today to pass flood relief.

But listen to what the President said yesterday about the Congress. He said "Let's vote. I don't have to win them all, but let's make decisions."

Now, I do not know why the President is saying to his Democratic leadership, "Let's vote," but I agree with him. The President is right. Let us vote on things like the extra money for Los Angeles to take care of one politician, which is being put on the flood relief bill on the backs of the Midwest. Let us vote on whether or not to pay for flood relief now or have our grandchildren pay for it eventually.

Let us vote on passing flood relief today. But no Democrat should come here and complain about the Democratic leadership decision that they would not bring the bill up, they would not pass it, because they want to make sure they took care of a member of their coalition from California on the backs of the people of the Midwest.

THE PRESIDENT'S PLAN MEANS JOBS

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

Mr. RICHARDSON. Mr. Speaker, last week, as Republicans voted unanimously to block the consideration of emergency aid for the flood victims, and mounted a filibuster in the other body on the National Service bill, it became clear once again—they are the guardians of gridlock, willing to put the interests of millions of Americans behind the desire to play political games. You will hear from them why the President's economic plan won't work—while never presenting a viable plan of their own. You won't hear it from them, but the President's economic package is based on three basic concepts—deficit reduction, making the rich pay their fair share, and job creation.

Only an economy that puts people back to work will serve the American people. President Clinton has taken the bull by the horns and has built a plan that will create 8 million jobs over 4 years. In the first 5 months of this administration, 740,000 private sector jobs were created—a pace of 148,000 new jobs per month. That 148,000 per month compares to the Bush monthly average of only 21,000.

Interest rates and mortgage rates are at 20-year lows.

Mr. Speaker, President Clinton has presented his plan for economic growth—it's the only game in town and one that will work.

MISSTATEMENTS ON FLOOD RELIEF

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

Mr. LINDER. Mr. Speaker, I do not know how long we are going to have to put up with these misstatements from the other side. We have just heard the gentleman in the well before me say that the Republicans voted unanimously against flood relief, when he knows full well that we did not get to vote on flood relief.

What we voted on was an outrageous rule that provided relief for Californians, and I will remind you again, 30-year-old teenage Californians.

We want to vote for flood relief. We were prepared to do it Thursday. We were prepared to do it Friday.

Bring the bill forth with a rule that allows that amendment for California to be in order and we will vote on it, but you do not get away with saying the Republicans voted unanimously against flood relief. That bill was not brought before us, because the Democrats and the leadership of the Democrat side did not want to bring the bill before us.

□ 1210

SHAME ON CONGRESS

(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, two out of every three Americans are disgusted with Congress and believe that Congress is out of touch with the needs of the American people. Here, in my opinion, is one example:

Congress never asked where they were going to get the money for the Kurds, Congress never asked where they were going to get the money for Saudi Arabia, where they were going to get money for Russia, but Congress is now mired down in a disaster relief bill, in where we will get the money for Americans who are literally bobbing up and down in 50 feet of water in the Midwest.

Mr. Speaker, in a nutshell that describes why the American people are fed up with the Congress that is worried about everybody all over the world and has forgotten about its own people.

Shame on Congress, Mr. Speaker. Pass this disaster relief bill, and get off the technicalities.

BIG TAX INCREASE WILL HIT SMALL BUSINESS HARD

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, many of my Democrat colleagues have said that most small businesses will not be hit when they pass the largest tax increase in American history. They say that their tax increases will not harm small business—the job machine of America. Unfortunately, that just is not true.

According to business demographer David Birch, 5 to 10 percent of small firms are responsible for the vast majority of the new jobs created between 1987 and 1992. In fact the fastest growing 4 percent of all firms accounted for 70 percent of all new jobs created. These growth oriented, job-creating firms are the very firms that will be hit by the higher rates, and hit hard. The result: They will not be creating the volume of new jobs in the future that America so desperately needs.

The small business community is large and diverse. Yes, most small businesses will not pay increased taxes because they do not make much money—but neither do they create jobs. The statistics are clear: The minority of small businesses create the majority of new jobs in our society—4 percent create 70 percent of all new jobs. They will be hit—and hit hard.

Budget conferees have so far agreed to 195 billion dollars' worth of tax increases and just 5 billion dollars' worth

budget must be a problem that is addressed by Republicans and Democrats alike. It must be a problem that is addressed by controlling spending, which has a component of increased taxes, and clearly it must be a program which controls the growth of entitlements. But for controlling entitlements, there is no effective economic program.

The President spoke yesterday about the problem of gridlock. The way to end gridlock, Mr. President, is to seek the center of America's political spectrum. There are Republicans in that center, as well as Democrats.

And if we can defeat this conference report, I will say to the Senator from Oklahoma that there are Republicans, there are people on this side of the aisle, who, in a bipartisan way, will sit down with the President and with interested Democrats to try to work out a program which is in the best interest of this country.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President I ask unanimous consent that I might be allowed to respond in morning business for 1 minute.

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

Mr. BOREN. Mr. President, I thank my colleague from Missouri. I thank him for demonstrating the kind of patriotism and bipartisanship that he has demonstrated time and time again.

Let me just say, in addition to the hope he expressed, I would express an additional hope. I hope it would not come to defeating the President's plan or even voting on it until the effort to make the conference truly bipartisan. Let us just say "pause for a moment."

Let us invite the Republican leadership and Democratic leadership to the White House right now and see, while this conference committee is still going on, if we cannot work out a plan—within the context of the framework now in existence—that will really move this country forward. It might take another week or two. It might take working through the August recess to get this done. But let us do it in a way that will bring us together and do it in a way that will get the job done in terms of getting the deficit down.

I thank my colleague very much for his kind remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Is the time allotted now to another Senator in morning business?

The PRESIDING OFFICER. Senator BENNETT has an order for 10 minutes, but any Senator may seek recognition.

Mr. DOMENICI. What follows the 10 minutes, Mr. President?

The PRESIDING OFFICER. A Senator may seek recognition for up to 5 minutes.

Mr. DOMENICI. I ask consent I be permitted to speak for 3 minutes.

First, I want to ask if that is all right with the Senator from Utah?

Mr. BENNETT. Certainly.

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

TWO CONCLUSIONS ABOUT THE DEFICIT

Mr. DOMENICI. Mr. President, first of all, while I am not sure what the process or procedure is that ought to be used, so in that sense I do not want to necessarily agree with my friend from Oklahoma, I know our leader on this side and the Senator from New Mexico said—if this plan dies, whether it die a violent death or whether it die a death by the President deciding to pull it—what we have said is that we would welcome the opportunity to meet with the President to try to do a better job.

Frankly, I want to tell the Senate and people who are interested what I have gleaned from 16 years of work on budgeting and from nigh on 14 years in this process of looking at the pieces of the budget. I have come up with two conclusions, and I regret that both of these conclusions, both of these facts I have concluded, are missing from the scheme that we are busy trying to sell to the American people from the White House and that we are busy trying to tell the American people will not work.

There are two things that have come to the surface and just stay there. One, without controlling the mandatory programs of this Government, and they are—I am not afraid to use the words—you cannot let Medicare continue to grow as it did in the past 5 years, or the past 10 years. Essentially, the cost to the Government and to our people is out of control. Second, you cannot continue to let Medicaid grow as it has been growing.

The combination of the growth of the two will eat up all of the taxes that are being sold across America as deficit reduction taxes. They will go into the growth spiral of those two programs and about 10 others that are less in size but growing at a rather incredible pace. That is No. 1.

What is proof of that? I say to my friend, Senator BOREN, if you look at the Dole-Domenici Republican proposal—obviously, on that side of the aisle I did not expect anybody to support it—but it shows one absolutely incredible fact. You can get the deficit down as far in 1998 as the President has, or more so, if you will control entitlements—without any taxes. I am not suggesting that is the answer. It is a fact. If you get those two programs coming down, where they are only growing at inflation plus 1 or 2 percent and all the new people who are entitled to be in, you get the deficit more under control in the fifth year than the new tax package. It is amazing.

Frankly, I want to tell the Senate, I did not know that. That is an accident of the facts. I said, "Produce this kind of format for the budget." It was put on paper, returned to me, and the answer was: Behold, the deficit is lower in 1998 because you control those and freeze discretionary a little more, which could be reconsidered. But you get it under control and guess what, it is coming down permanently. Point No. 1. You will not solve the deficit until you do that.

Second, try as we have to fix the budget deficit, another startling conclusion comes out. You cannot pass any significant deficit reduction that hits the target, that gets the real growth programs, unless it is bipartisan. That just happens to be the case. You cannot be the first party who puts on the table real, current, tomorrow morning cuts in any of those entitlement programs that are permanent. In this budget you have some temporary, around-the-edges cuts in Medicare and Medicaid, and they really amount to nothing. In fact, 75 percent are the extension of cuts we already made that were going to expire and we just put them on again. It is a very heroic vote. It is just leaving the law alone and taking credit for cuts. That is why they got by. That is why nobody got in trouble on that side with Medicare cuts.

So, point No. 2, you will not do it unless Democrats and Republicans stand up side by side, and I even coined a term for it, you have to apply the simultaneity test. They almost have to say yes together, at the same time. I am not trying to be political about this but this is the fact. They are so tough to vote for with such major population antagonism, because of the rhetoric of the day, you cannot do it without them.

Both are missing from this package, which in my experience—which I think is as much as anyone's here—will yield another truism. It will not work. What you have done will not work because, in essence, you have not taken on the hard things because you do not have it bipartisan.

Conclusion, we asked the President before he finished his package, Senator DOLE and I on behalf of the Republicans, "Set it aside and let us work together and do one bipartisan."

In his wisdom, newly elected, he chose to do what he has done. It has been modified somewhat and I must say the Senate has made a better package, better than the President's, when he submitted it. But it is still without a bipartisan approach because there is a genuine insistence that you can put on $300 billion in taxes and get this thing to work.

Frankly, I am ready to start over, but I am not ready to enter this reconciliation body over here and be a

conferee at this stage. It is just conclusive to me you will not get deficit reduction and you will not fix that aspect of the economy unless you have those two things, and they are both missing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. If I could prevail on my colleague, asking unanimous consent for 1 minute additionally to respond?

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

THE DEFICIT

Mr. BOREN. Mr. President, I hope my colleague from New Mexico will not lock himself into what mechanism we will use, because if the two leaders get together and work with the President, they could use any mechanism, even if it has to be in recess for a period of time in order to go back in.

But let me say I agree with the two points he made, obviously, from the remarks he heard me just make. It has to be bipartisan. Those are two of my three points. We have to get entitlements under control and I think, in order to sustain the support of the American people, we have to have significantly more spending cuts than tax increases.

I think, however, to get bipartisanship, trying to be fair and trying to make sure the burdens are placed on the American people in a fair way, we are also going to have to have willingness on that side of the aisle—I heard the Senator from Missouri expected it and I also understand from talk shows over the weekend that the minority leader expected it—there has to be at least consideration of putting some revenues on the table. I underline with a big "if," if we really get spending under control, really attack entitlements, and really get a very large amount of spending cuts placed on the table to assure fairness, I hope I could interpret the remarks of my colleague from New Mexico saying, caveating the "if," that he would be willing to look ahead in a bipartisan way and look ahead to try to put together a package with greater balance.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I resist the temptation to comment on what has just come before. I find myself in agreement with what has been said and congratulate the Senator from Oklahoma for raising it, but I wish to use the time reserved for me to talk about another issue that I think has an impact on the deficit.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 1287 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who seeks recognition? The Senator from Arkansas.

Mr. PRYOR. Madam President, I thank the Chair for recognizing me.

Madam President, what is the time status, if I might inquire?

The PRESIDING OFFICER. The Senator may speak up until 12:30 under the time agreement.

Mr. PRYOR. I thank the Chair.

REPORT OF THE SENATE DEMOCRATIC TASK FORCE ON DEFENSE REINVESTMENT

Mr. PRYOR. Madam President, I rise today to announce the release of the 1993 report of the Senate Democratic Task Force on Defense Reinvestment. Our report is entitled "Reinventing Government To Help Defense-Impacted Communities." We have 30 specific recommendations that are good news for communities scheduled to lose military bases or other defense work. The 25 members of this task force have concluded that the barriers to economic redevelopment must be broken down before former military communities can fully prosper in a civilian setting. We believe also that this report will build on the work of the task force from last year, which laid down a basic blueprint for defense conversion that our country is now following. The task force also feels that the report will fully complement and assist the congressional passage of President Clinton's recently announced program entitled, "Revitalizing Base Closure Communities."

Last year, Madam President, Senate majority leader GEORGE MITCHELL created our group. He asked us to develop a plan to help soften the blow of defense reduction in our Nation and our Nation's many defense workers, communities, and industries. The task force then issued its first report in May of 1992. I am very pleased to say that the defense-impacted portions of our economy are now beginning to feel the benefit from last year's conversion blueprint. The worker retraining and placement programs are helping to put former defense employees back to work, and the Technology Reinvestment Project is currently identifying past military capabilities that can now be used to advance our competitiveness in nonmilitary markets.

Madam President, the men and women who helped us win the cold war now face a tremendous challenge as we continue to reduce our military spending. It has been estimated that 1,000 defense jobs will disappear every day through 1997. In addition, over 200 communities will be economically devastated by the loss of military bases or the termination of defense contracts.

To be certain, Madam President, bringing our Nation's potent and powerful cold war military machine down to size is not going to be an easy accomplishment.

In a decisive break from the past, the Clinton administration has dedicated a substantial amount of energy, enthusiasm, and resources toward helping our cold war veterans. In his recent announcement, President Clinton reaffirmed his commitment to helping those who fought and won the cold war for our Nation by clearly stating that defense conversion is a top priority of this administration and that its success is critical to our Nation's economic recovery. He is to be commended for his leadership and vision.

The recent announcement by the Base Closure and Realignment Commission to close 34 military installations has once again highlighted how devastating defense spending reduction can be in our economy.

As our chart shows, Madam President, military base closings are affecting communities all across the United States of America. In all, the Base Closure Commission has scheduled the closing of some 71 major installations and another list will be announced in 1995.

It is very important to note that these communities are just beginning to feel the painful effects of base closings. Of the 71 major installations targeted for closure since 1988, only 8 of these have actually closed their doors. One of those eight bases is the Eaker Air Force Base in Blytheville, AR, which closed on December 15 of last year. I have been closely following the redevelopment efforts at Eaker, and I can honestly say I have been less than impressed with the past cooperation and assistance the Federal Government has provided the citizens in this small Mississippi delta town. Since the 1991 closure announcement, our efforts to redevelop this Air Force base have been hindered by Government obstruction and endless bureaucratic redtape. We hope that these burdens will soon be lifted.

When our task force sought feedback from many other defense impacted communities, we learned that the Department of Defense and other Federal agencies in the past too often have placed their own narrow needs ahead of the needs of the communities. The task force report that we unveil today attempts to reverse this disturbing trend by giving communities a voice in the redevelopment process. We have concluded that money is not the answer to all of the problems experienced by defense-impacted communities. Instead, the answer lies in our ability to alter the Government's priorities and begin offering communities more help. Simply stated, bureaucratic needs must take a back seat to community economic redevelopment and job creation.

To give credit where credit is due, since President Clinton has announced that helping defense-impacted communities was a top priority of his administration, the leadership of the Pentagon has taken great strides to make the

base closure process much more supportive of community development objectives. In addition, Commerce Secretary Ron Brown has expressed his desire to revitalize the Economic Development Administration to better assist communities. The task force strongly supports these and other efforts to help people and communities who are working to be prosperous in nonmilitary areas, and our report today is meant to complement these efforts.

The task force has also met and consulted with certain other key Clinton administration figures. In addition to Mr. Brown, the Secretary of Commerce, members of the task force have met with the Director of the National Economic Council, Mr. Robert Rubin; we have met with Secretary of Labor, Robert Reich, and we think that each meeting has produced constructive ideas that will ease the economic burden on defense-impacted communities.

To this end, our specific recommendations for assisting defense-impacted communities are consistent with the following broad principles:

First, to empower the communities in this difficult redevelopment process.

Second, to make redevelopment a higher priority in environmental cleanup.

Third, to give communities earlier control of land and buildings on closing military bases.

Fourth, leave bases development ready for communities.

Fifth, improve and streamline the Economic Development Administration's grant process.

We believe that our recommendations are constructive. We believe that these recommendations will help defense-dependent communities survive and compete in a civilian setting.

Make no mistake, Madam President. This is truly a community advocacy document. We want to help defense-impacted communities and now is the time to start.

Many of the task force's recommendations will require legislative changes. We intend to work with the appropriate committees in Congress to meet this end. I am pleased to say that our report has been endorsed by the Business Executives for National Security, National Association of Installation Developers, the National Commission for Economic Conversion and Disarmament, Americans for Democratic Action, Women's Action for New Directions, and others.

Madam President, I wish to thank the majority leader for providing me with the opportunity to assist in this effort. I also wish to thank all of the members of our task force for their assistance with this report. In addition, Dr. Robert Atkinson from the OTA provided us with invaluable assistance in preparing these recommendations. Also, I thank the Senate Armed Services Committee and the Defense Appropriations Subcommittee for their efforts. They have worked well with us in the past. We look forward to working with them in the future.

Finally, let me once again applaud the fine work and cooperation of the Clinton administration, especially the President's National Economic Council.

Their defense conversion and community redevelopment programs represent a decisive break from the past. I truly believe that their work will make the hardships of defense reductions much easier for the people involved.

Madam President, I ask unanimous consent that a copy of the task force report be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, DC, July 26, 1993.

Hon. GEORGE MITCHELL,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: Enclosed are the 1993 recommendations of the Senate Democratic Defense Reinvestment Task Force, which you chartered on March 30, 1993. This year's recommendations are focused on solving many of the problems facing defense impacted communities, particularly ones experiencing base closures.

The Task Force believes that the federal government's response to defense impacted communities must be reinvented to eliminate bureaucratic barriers to economic redevelopment. Moreover, the Task Force believes that we must "Give communities a voice" to insure that their needs are the centerpiece of this reinvention. To that end, the 25 members of the Task Force have developed 30 specific recommendations which have the redevelopment of defense impacted communities and the creation of new jobs as their ultimate goal. The Task Force recommends little in the way of new spending, but much in the way of government efficiency.

To develop these recommendations, the Task Force held briefings and consulted with individuals from defense impacted communities and with experts from federal and state government, academia, and the private sector. Likewise, the Task Force consulted with the Clinton administration on these recommendations.

The Task Force applauds President Clinton's July 2, 1993 initiative, "Revitalizing Base Closure Communities." The President has developed a very constructive plan which will greatly assist in the redevelopment of communities losing military bases.

The recommendations of the Task Force are very consistent with and complimentary to the President's program. In the weeks to come, Task Force members intend to work with relevant congressional committees to secure legislative language, where necessary, to accomplish these and other changes.

Yours sincerely,

DAVID PRYOR,
Chairman.

1993 RECOMMENDATIONS, SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE, JULY 26, 1993

EXECUTIVE SUMMARY

Reinventing Government to help defense impacted communities

The Task Force believes that helping redevelopment defense impacted communities should be the flagship of the effort to reinvent and improve government to benefit the people. Money is not the answer to all of the problems experienced by base closure communities and communities losing defense industries. Instead, the answer lies in shifting the government's focus from satisfying the needs of the bureaucracy to satisfying the needs of communities.

To this end, the following are the Task Force recommendations:

I. Empower Base Closure Communities.—The needs of the military and other federal agencies have driven the base closure process in the past. The process should be changed to give more leverage to communities.

Give communities a voice through base redevelopment committees in Washington and at each closing base.

Make the base closure process more open to communities.

Promote and support base reuse planning.

Make DOD transition coordinators independent of the military services.

Create a defense conversion and reinvestment clearinghouse.

II. Make Base Reuse a Higher Priority in Environmental Cleanup.—In the past environmental cleanup has not taken redevelopment needs into account, and community recovery has been slowed as a result. Environmental cleanup and successful redevelopment can be compatible, but the cleanup process must be reconsidered.

Require early environmental studies. Coordinate cleanup with reuse planning.

Divide bases into parcels for quicker reuse.

Prioritize cleanup according to reuse needs.

Allow cleanup and reuse to proceed simultaneously whenever possible.

Allow cleanup of bases to a level appropriate for reuse.

III. Give Communities Earlier and Easier Control of Land and Buildings on Base.—The process of disposing of real property has traditionally given little or no consideration to the communities who must market what remains. Community needs must figure more prominently.

Secure community interest in bases earlier.

Conduct McKinney Homeless Act screening earlier.

Show greater flexibility when negotiating sale or lease prices with communities.

Quickly determine leasing price of properties to meet business demands.

Speed, simplify and decentralize leasing.

Require the military to cover leasing costs.

Process leases with highest redevelopment potential on a priority basis.

Encourage "Section" leasing of bases.

IV. Leave Bases "Development Ready" for Communities.—Instead of stripping bases and hauling off the fixtures and equipment, the military services should take actions to ensure that redevelopment needs are recognized in removal decisions.

Narrow the category of equipment and fixtures the military can remove from bases.

Preserve the physical integrity of base buildings.

Leave equipment and fixtures on base for redevelopment.

would spend their money wisely. Well, in California I think we fooled them.

Mr. Speaker, how do you think they feel about spending a 9-cent gas tax increase to increase Federal spending? Well, the Democrats apparently have decided inflicting this gas tax on ourselves will somehow be less painful than the Btu tax.

Unfortunately, that is not the case. When the cost of gas dramatically increases, the result will be the same. Economic disaster. Disaster for the airlines, the truckers, the commuters, farmers, rural America, and all business.

Mr. Speaker, a sharp increase in gas tax is not the way to go. I urge my Democrat colleagues, think twice about a new gas tax.

MOVE FORWARD TOGETHER FOR THE BETTER

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

Mr. FLAKE. Mr. Speaker, I rise today to voice support for President Clinton's economic growth plan. Clearly, we as a nation have to come to grips with the reality that although we are in a major deficit situation, there is a great need on the part of many of our cities and many of our communities for this bill to pass. It is time for us to deal with the reality of the need to reduce the deficit, invest in people's lives, invest in communities, many of which have become a part of an existing Third World nation within the borders of this Nation, invest in our businesses, restore economic growth and vitality, and create high-skilled and high-wage jobs.

Mr. Speaker, it is time for us to stop playing games and get serious about the reality that many of our people are suffering. The longer we delay moving through this reconciliation process, the greater the pain will be for so many of our citizens. It is time for us to move forward. Let us move forward together for the better of all American citizens.

THE GANG THAT COULD NOT SHOOT STRAIGHT

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

Mr. HUTCHINSON. Mr. Speaker, yesterday President Clinton blamed the Congress for the delay and gridlock in holding up some of his programs. Well, the President needs to remember one thing: His party holds the majority in both the House and the Senate.

Mr. Speaker, when it came to disaster assistance, the leadership reminded me of the gang that could not shoot straight. Only a pork-laden special interest rule could have slowed down money to the hard hit Midwest, and that is exactly what the leadership gave us. The Waters language for the youth program in L.A. has nothing to do with the waters in the Midwest.

Mr. Speaker, there are two disasters that face this country. One, yes, is in the Midwest, and it deserves our attention. But the other disaster is the budget deficit that this country faces and the growth of the national debt. The clearest signal that we could send to America that we are serious about deficit reduction and that business will no longer be conducted as usual in this institution would be to pay for the disaster relief. We should provide the disaster relief quickly, but we should also provide the relief responsibly.

REPUBLICANS ARE WATERED DOWN IN EXCUSES

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

Mr. TUCKER. Mr. Speaker, the previous speaker was correct, the Waters amendment has nothing to do with the waters in the Midwest, particularly as it relates to the cost of flood relief. The Waters amendment will not impinge upon, will not affect, and does not have a fiscal impact on the flood relief in the Midwest.

But what is the case, Mr. Speaker, is that the Republicans on the other side of the aisle are watered down in excuses. First of all, they have the excuse that they needed to cut, that they needed to find where they could have spending cuts in order to afford this flood relief.

□ 1240

So obviously, the people in the Midwest are not the only ones drowning in water. The Republicans are drowning in the waters of excuses, excuses to move forward and to help the people in the Midwest.

Mr. Speaker, it is time that this House comes clean and gets away from the flood of excuses and moves today to help Americans out.

It reminds me, Mr. Speaker, of the parable of the Good Samaritan. The people are laying on the side of the road. They are dying. and we are wondering about the cost to save them.

DEFICIT SPENDING

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

Mr. DICKEY. Mr. Speaker, the flood of deficit spending continues to rise. What is being argued is that the mistakes of the past would justify making mistakes in the present.

I am a freshman. I am not a part of the mistakes of the past and do not want to be a part of the problems of the present.

We can cut spending to pay for this disaster relief bill. Why do we not? I do not know. Why do we not even try? I do not know the answer.

But because I do not know the answer does not mean that I am going to ignore my business experience or my principles and vote for the disaster relief bill, even though I am compassionate with the people who are suffering. We can all sacrifice together, if we cut spending, and not pass this debt on to our children.

ANOTHER MEANING OF "GRIDLOCK"

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

Mr. SCHUMER. Mr. Speaker, this is the front page of New York's hometown newspaper, the Daily News. It says: "Georgia Pol Rips City Over Gas Tax. Blames it on New York."

They're at it again. President Ford once told New York to drop dead and now the minority whip blames New York for, of all things, the gas tax.

According to the Daily News, the House minority whip from Georgia "blames the proposed 9-cent-a-gallon gas tax on cities like New York, where most people ride subways and buses."

First, I would like to congratulate Mr. GINGRICH for knocking Donald Trump and Marla Maples off the front page.

Second, I would like the distinguished minority leader to ponder this question: If no one drives in New York, why does it take 2 hours to drive across midtown during rush hour?

It seems the latest Republican strategy to kill the largest deficit reduction plan in history is to turn one region of the country against another. In this case the villain is big cities like New York and, I guess Atlanta—both of which have subway systems that cost $1.25 a ride.

The term gridlock began in New York to describe a traffic jam so bad that no one can move.

Now gridlock is a subject that the minority whip from Georgia should know something about.

ENTITLEMENTS

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

Mr. COLLINS of Georgia. Mr. Speaker, several conservative Democrats voted for the Clinton deficit plan on the promise that entitlements will be capped.

Will such promise be fulfilled?

I do not think so.

during the 24 month period. During this period, the community will be formulating its redevelopment plan and must not have this activity undermined by unnecessary base disposal activities. This timetable could be shortened at the request of the community.

4. Make DOD Transition Coordinators Independent of the Military Services.—The Task Force strongly supports the Clinton Administration's creation of DOD Transition Coordinators to be located at each closing base. The feedback received by the Task Force from many closure communities firmly emphasizes the need for these coordinators to be independent of the military services. The Task Force strongly believes that such independence would allow the Transition Coordinators to be effective advocates for quicker, more successful redevelopment. To ensure that the transition coordinators can effectively represent the needs of their communities, the DOD should consult with communities when selecting the individuals to serve as coordinators.

5. Create a Defense Conversion and Reinvestment Clearinghouse.—The federal government has dozens of defense conversion programs run by a number of different agencies. A "one stop shop" information clearinghouse would help defense impacted workers, communities, and firms access the information they need to cope with defense downsizing. The office should be housed in the Commerce Department, and to be effective it must also have the involvement and cooperation of the Department of Defense, Department of Labor, and other related conversion agencies. This clearinghouse would disseminate information on programs and promote best practices on retraining, redevelopment, and conversion.

II. Make Base Reuse a Higher Priority in Environmental Cleanup.—Rapid and efficient cleanup of closing bases is of central importance to the pace and scope of a community's economic redevelopment. Unfortunately, when environmental barriers are not appropriately addressed, the entire redevelopment process can grind to a halt, causing unnecessary delay of interim leasing, and ultimately, the loss of businesses, revenue, and jobs on a former base.

The Task Force supports the action taken in the recent Supplemental Appropriations Act, signed into law on July 2, 1993, which eliminated the indemnification language enacted by the FY1993 Defense Appropriations Act. The FY93 Defense Appropriations language had expanded the military services' liability for environmental hazards on base so that they would have been responsible for contamination caused by a new tenant, after the base had been closed and the military had departed. By removing this legislative language, the unnecessary delays caused by the indemnification issue will be greatly diminished. However, the Task Force strongly believes that additional environmental barriers to successful redevelopment must now be addressed.

Recommendations: 1. Require Early Environmental Studies.—Coordinate Cleanup with Reuse Planning. When closing bases, the services are required to satisfy numerous environmental requirements which impact reuse planning. The services should consider a community's reuse plan as often as possible when satisfying these requirements. For instance, immediately after a Base Closure and Realignment Commission list becomes final, each service should conduct an initial "basewide" environmental baseline study which would identify areas that will require some kind of cleanup. The results of this study should be shared with the community and incorporated into its reuse plan. Such studies, which are currently being undertaken by the Air Force, would expedite cleanup and promote coordination between the military and the communities. Moreover, the military should consider which parts of the base of the community has prioritized for reuse when prioritizing its subsequent environmental studies. Businesses and other organizations considering relocating onto a closed base demand accurate and timely information on environmental hazards. These studies will allow communities and the military to be better prepared to meet these demands.

2. Divide Bases Into Parcels for Quicker Reuse.—In those cases where environmental or other problems prevent quick reuse of a base, the uncontaminated parts of the property should be split off into a separate parcel or parcels which can be quickly leased as part of the reuse plan.

3. Prioritize Cleanup According to Reuse Needs.—Communities must have more input into the cleanup process so that economic development issues can be better integrated with cleanup priorities. In order to be responsive to unpredictable business interest in base properties, the services and the environmental regulatory agencies should consult with the communities when prioritizing areas for cleanup, after, of course, immediate health and safety problems have been addressed.

4. Allow Cleanup and Reuse to Proceed Simulataneously Whenever Possible.—Some cleanup projects can take decades to finish, yet through intelligent remediation, threats to health and safety can be contained while cleanup takes place. In such cases, reuse of the contaminated parcels should be allowed to take place while cleanup is ongoing, in order to put these parcels back to a productive use sooner.

5. Allow Cleanup of Bases to a Level Appropriate for Reuse.—Cleaning every parcel to a pristine condition will result in unnecessary cost and delays if some of the parcels will be used for commercial purposes similar to their use by the services. The federal government should follow the lead of some of the states which place more emphasis on reuse plans when determining the extent of the cleanup they undertake.

III. Give Communities Earlier and Easier Control of Land and Buildings on Base.—The current process for disposing of real property (buildings, land, etc.) places community needs at the end of the line, and it provides little flexibility for taking account of the unique needs and resources of each community. In particular, the current interim leasing process for real property is too slow and often discourages businesses. Community needs must figure more prominently in the process.

Recommendations: 1. Secure Community Interest in Bases Earlier.—Currently, federal agencies are allowed to screen property (for possible use) until it is transferred, creating the potential for disruption of a reuse plan in the late stages of development. However, communities having trouble attracting businesses may want the screening process to continue in the hopes of attracting federal agencies. Therefore, the federal screening process should continue indefinitely, but local redevelopment authorities should have veto power over a federal reuse after 30 days of initial screening.

2. Conduct McKinney Homeless Act Screening Earlier.—The McKinney Act requires screening of closing bases for reuse to help the homeless, but the screening cannot take place more than eighteen months prior to the closure. This screening should be completed earlier, either as part of the reuse planning or before reuse planning, so that the planning can proceed with certainty.

3. Show Greater Flexibility When Negotiating Sale or Lease Prices with Communities.—In the past, federal officials have strictly interpreted "fair market value" (FMV) when leasing or selling property to extract a maximum return on the transaction. A clear policy should be established that permits and encourages the DOD to give communities discounts on the sale or lease of base properties. The resources of the community and the reuse potential for the base should be taken into account when determining if and to what extent discounts should be offered.

Federal decision makers should use protection and maintenance (P&M) costs, the cost of upkeep and maintenance for the base, as the baseline for discounting lease prices at closing bases. If P&M is used to determine a lease price, rather than FMV, costly and time consuming appraisals can be avoided and the leasing process can be expedited.

4. Quickly Determine Leasing Price of Properties to Meet Business Demands.—If the leasing price is not determined for specific property in a timely manner, the community risks losing jobs and revenue from a potential tenant. In the event that an appraisavent that an appraisal is necessary to determine the FMV of base property, the DOD should work expeditiously and provide communities with the information necessary to attract tenants.

6. Require the Military to Cover Leasing Costs.—There is currently no clear policy on the services' responsibility for covering costs associated with the leasing process. This uncertainty can substantially hinder a community's reuse planning ability. A clear policy should be established requiring the military services to pay for costs to execute proposed leases. Such activities typically include Environmental Baseline Studies, Environmental Assessments, and FMV appraisals.

7. Process Leases with Highest Redevelopment Potential on a Priority Basis.—Communities currently have no opportunity to prioritize which leases the military services process first. The DoD should respond appropriately to community needs when processing interim leases.

8. Encourage "Section" Leasing of Bases.—The goal of interim leasing is to allow communities flexibility in meeting the demands of businesses and other future tenants. However, going through the cumbersome leasing process for each prospect, significantly slows the turn around time of a lease. To partially address this problem the military services should identify and lease to communities sections or areas of bases which the communities can subsequently sublet to tenants. Many of the Task Force's previous recommendations, including those related to environmental parcelization and lease pricing, are essential to this concept.

IV. Leave Bases "Development Ready" for Communities.—Instead of stripping bases and hauling off the fixtures and equipment, the military services should take actions to ensure that redevelopment needs are recognized in removal decisions.

Recommendations: 1. Narrow the Category of Equipment and Fixtures the Military Can Remove from Bases. The military is currently allowed to remove from closing bases equipment and fixtures that they have a "need to buy" to carry out some other mission. The definition of "need to buy" has

been abused, however, to the point that property removed under this criteria has been warehoused or moved to other bases slated for closure. This definition should be tightened, to discourage removal of property that the services do not have an urgent, real, documented "need to buy". The services should be prohibited from removing any property besides "need to buy" items, with the exception of mission essential items.

Personal property disputes can be openly discussed at the "on site" committees or, if not resolved there, exposed to Federal decision makers at Installations Redevelopment Board meetings in Washington.

2. Preserve the Physical Integrity of Base Buildings.—Numerous accounts exist of the services stripping buildings of vital components and severely damaging their reuse potential. Regardless of "Need to Buy" the military should be prohibited from taking items whose removal would undermine the safety and/or integrity of the building. Such items usually include fences, security systems, fire extinguishers, heating and cooling systems, windows, doors, hardware, wiring, lighting fixtures, and plumbing.

3. Leave Equipment and Fixtures on Base for Redevelopment.—Equipment not removed from a base by the military or declared "related" to the real property and left on base is first made available to other federal agencies and then distributed to the states under a General Services Administration process. Instead, base closure communities should have the first right of refusal on these items. Communities should be required, however, to demonstrate through their reuse plan that they have a legitimate redevelopment need for the property. The military services should transfer this property to the communities for free or at a reduced cost, according to a policy similar to the one that will apply for the transfer of land and buildings on base.

4. Ask DoD to Report on Options for Improving Property Disposal.—The current process for removing personal property from closing bases is confusing, and inconsistencies in the process exist among each military service. In addition, the role of the GSA is unclear. The Secretary of Defense should report to the Congress on the possibility of establishing a clear, uniform process for property disposal.

V. Improve the Economic Development Administration Grant Process.—The Commerce Department's Economic Development Administration (EDA) has been severely hindered over the last 12 years due to repeated attempts by past Administrations to kill the office. This neglect has severely hindered the EDA, which is one of the Federal government's primary economic development agencies. This neglect has translated into an EDA grant program that puts process concerns ahead of results. The EDA should be reinvented to make its programs work for communities and to help create new jobs more quickly.

Recommendations: 1. Fund Administrative Costs Necessary to Make EDA Defense Conversion Grants. Although the DOD transferred $80 million in FY93 funds to the EDA to assist defense impacted communities, the EDA claims it cannot use any of these monies for the overhead and administrative costs associated with the grants that will be made out of the $80 million. Congress should clarify that the use of these monies for this purpose is allowable.

2. Allow EDA to Fund Projects Earlier at Closing Bases.—The EDA claims that they cannot fund infrastructure on bases before they are formally transferred to communities. The EDA should be permitted to initiate projects before the actual transfer, perhaps through making grants to the DOD.

3. Give Grant Making Authority to EDA Regional Offices.—EDA grant applications are currently screened at the regional level and then sent to Washington, D.C., for another screening. This redundant process is costly and time consuming for communities in need of help. Give EDA regional offices the authority to approve grants.

4. Fund an Innovative State Grant Program.—Existing appropriations are probably inadequate to assist all the defense impacted communities beyond a minimal level. Moreover, the normal Economic Development Administration grant process is very slow, and its grants are often for very narrow, conventional projects. To address these problems, additional funds should be provided for a program of comprehensive redevelopment grants to defense impacted communities, states, or regions. Grant awards should be based on the extent of the defense impact in the state or region, and the innovativeness and quality of the proposal. Applicants should be required to provide matching funds to insure their commitment to effective projects.

5. Support Planning and Redevelopment in Defense Industry Communities.—In addition to base closure communities, those communities experiencing defense industry cutbacks will experience large job loss as well. The DoD's Office of Economic Adjustment should put more emphasis on promoting and facilitating comprehensive redevelopment planning in these defense industry communities.

6. Improve Identification of Defense Impacted Communities.—The impact of cutbacks on communities hosting small defense subcontractors is not as closely tracked as the impact on communities hosting prime contractors, but the effects can be severe nevertheless. The defense impact on small, and particularly rural, communities should be tracked more closely so that these communities can be considered for appropriate federal assistance.

For further information about this report or the Senate Democratic Defense Reinvestment Task Force, contact Desten Broach or Steve Ronnel in the office of Senator David Pryor, (202) 224-2353.

1993 SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE (APPOINTED BY MAJORITY LEADER GEORGE MITCHELL, MARCH 30, 1993)

Senator David Pryor, Arkansas, Chairman.
Senator Jeff Bingaman, New Mexico.
Senator Barbara Boxer, California.
Senator John Breaux, Louisiana.
Senator Christopher Dodd, Connecticut.
Senator Dianne Feinstein, California.
Senator Bob Graham, Florida.
Senator Ernest Hollings, South Carolina.
Senator Daniel Inouye, Hawaii.
Senator Bennett Johnston, Louisiana.
Senator Edward Kennedy, Massachusetts.
Senator Patrick Leahy, Vermont.
Senator Joseph Lieberman, Connecticut.
Senator Carl Levin, Michigan.
Senator Howard Metzenbaum, Ohio.
Senator Barbara Mikulski, Maryland.
Senate Majority Leader George Mitchell, Maine.
Senator Sam Nunn, Georgia.
Senator Claiborne Pell, Rhode Island.
Senator Donald Riegle, Michigan.
Senator Charles Robb, Virginia.
Senator John Rockefeller, West Virginia.
Senator Paul Sarbanes, Maryland.
Senator Jim Sasser, Tennessee.
Senator Harris Wofford, Pennsylvania.

RECOMMENDATIONS OF THE SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE

Mr. BINGAMAN. Madam President, I rise today to bring to the attention of my colleagues the recommendations of the Senate Democratic defense reinvestment task force.

This task force is a continuation of the Senate Democratic task force on defense conversion which was instrumental in crafting the conversion initiative approved by Congress last year. This year, as was true last year, Senator PRYOR, the chairman of the task force, is to be commended for his leadership and the fine work of his staff. I would also like to commend Desten Broach and Steve Ronnel of Senator PRYOR'S staff for their work on the task force. In addition, special thanks should go to Rob Atkinson of the Office of Technology Assessment, who was instrumental in helping the task force develop these recommendations.

Madam President, as you know, the recommendations developed last year by this task force were the basis for the fiscal year 1993 defense conversion initiative approved by Congress. Those recommendations resulted in increased funding for reuse planning, economic development, and worker training; helped established military and civilian transition initiatives to ease the burden of defense cuts on Defense Department personnel; and established a broad-based package of technology and manufacturing partnership programs which are being implemented under the interagency technology reinvestment project.

These programs, endorsed by the Clinton administration earlier this year, have been a critical part of the administration's efforts to assist those people, companies, and communities impacted by the defense build down. Funding for worker training and economic development are at the core of the Commerce and Labor Department efforts to reinvest Federal programs in these areas. And the technology reinvestment project is a model for interagency efforts to develop new technologies for economic growth.

Proposals under the technology reinvestment project were submitted last Friday, and the initial results are very encouraging. The project reports receiving upwards of 2,800 proposals, involving a great number of large and small businesses, as well as States, colleges and universities, and Federal laboratories. Proposals also cover a range of critical technologies, from shipbuilding to medical technology. I believe that this initiative will be effective in developing new technologies and creating jobs, and I am pleased to report that the Senate Armed Services Committee continues funding for these programs in the committee markup we completed last week.

Madam President, this year the task force concentrated its efforts on the problems facing defense-impacted communities, particularly those which are hit the hardest by military base closures. The recommendations focus on five key areas: empowering communities hit by base closures; making base reuse a higher priority in environmental cleanup; giving communities earlier and easier access to closing bases; leaving bases development ready for the communities; and improving the economic development administration grant process.

This year, just as last year, the recommendations of this task force promise to lay the groundwork for Congress' actions in these areas, and Senator PRYOR is once again to be commended for his leadership in this area. I urge all of my colleagues to review the task force report, and look forward to continuing to work with the task force and the administration to implement these recommendations.

THE RELEASE OF THE TASK FORCE REPORT ON DEFENSE CONVERSION

Mr. DODD. Madam President, I rise today to make a few brief comments on the release of the 1993 Senate Democratic defense reinvestment task force report. I want to thank the Senator from Arkansas, Mr. PRYOR, for once again leading this task force here in the Senate and for helping to develop comprehensive, long-term solutions to this very important problem.

Madam President, in recent years, as the defense budget has begun to sharply decline, the economic impact of those cutbacks has become painfully clear in small towns and local communities across the Nation. It was with these difficulties in mind that the Senate Democratic defense reinvestment task force was chartered in 1992. Last year, the task force put forth a nearly $2 billion package of legislative proposals, most of which was approved by Congress and is being implemented by the Clinton administration today.

These efforts have brought us a long way toward developing programs that enable the skills and capabilities of the defense industry to be put to use in the commercial sector. However, as we all know, this task is certainly far from complete. We were reminded of this fact as recently as a few weeks ago, when the President submitted his list of proposed base closings to the Congress. For communities that are losing a major military installation, those base closings mean the loss of economic opportunity, an increase in unemployment, and a tragic and unnecessary strain on the fabric of working families.

Accordingly, Madam President, the task force focused this year on specific ways to help communities generate new economic growth after being hit with a major plant or base closure. Unlike last year, however, the task force does not recommend the establishment of new and potentially costly programs. Instead, the task force recommends a number of changes and improvements in existing legislation that will help to ensure that communities encounter the least possible resistance in developing alternatives to defense dependency.

The highlights of these recommendations are as follows:

Give communities a greater voice in base redevelopment activities by having Federal officials participate together with local officials in an on site committee.

Create a defense conversion and reinvestment clearinghouse to provide one stop shopping for those interested in defense conversion programs.

Make base reuse a higher priority in environmental cleanup.

Give communities earlier and easier control of land and buildings on base by showing flexibility when negotiating sale or lease prices.

Leave bases in a condition where they can be easily reused by communities.

Streamline the grantmaking process for the economic development administration by providing adequate administrative expenses, decentralizing grantmaking authority to regional offices, and improving the identification of defense-dependent communities.

Madam President, in Connecticut and across the country, thousands of defense workers are being told that after dedicating their working lives to our Nation's military security, their services are today no longer needed. The least we can do is to recognize their important contributions and to give them a modest amount of assistance in finding new careers and new livelihoods. The recommendations in today's task force report will bring us one step closer to this very important goal.

REPORTS OF THE SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE

Mr. RIEGLE. Madam President, I rise in strong support of the recommendations of the Senate Democratic defense reinvestment task force and commend Senator PRYOR for his leadership as chairman of the task force.

In 1990, I had the pleasure of chairing the Senate Democratic task force on the U.S. economy in the 1990's: Defense conversion and productivity growth, established by the majority leader, Senator MITCHELL. The work of that task force resulted in an amendment, which I and Senator PELL offered to the 1991 defense bill, to help communities and workers hurt by defense cutbacks and base closings. The amendment established an advanced warning function in the Defense Department to give communities adequate notice of possible cutbacks. More importantly, the amendment transferred $150 million from the Defense Department to the Labor Department for worker retraining programs and $50 million from the Defense Department to the Economic Development Administration [EDA] of the Commerce Department for community adjustment assistance.

As it became clearer that defense downsizing would continue and that the Bush administration had no real plan to deal with the impacts of defense cuts and base closures, Senator MITCHELL formed a follow-on Senate Democratic defense conversion task force in 1992, under the chairmanship of Senator PRYOR, in his capacity as secretary of the Democratic conference. The task force, of which I was a member, expanded on the previous work and resulted in a $1.2 billion initiative to help workers, communities and industries affected by the downsizing. This initiative was at the heart of President Clinton's defense conversion program announced last March.

This year, the now-renamed Senate Democratic reinvestment task force has looked closely at the mechanisms of base closings. The overriding theme of the task force's report is "giving communities a voice." I heartily endorse that call. Too often in the base closing process, the community has been treated as a secondary, or even irrelevant, party. The emphasis within the system has been on shutting the base down, closing up, and getting out.

We need to change that emphasis and put economic conversion and base reuse first.

One of the keys to putting economic conversion and base reuse first is early reuse planning. During the past few months, the task force has heard over and over again about how important it is to develop a reuse plan quickly and to use that plan to ensure that important base property needed for successful reuse remains on base. We heard horror stories of fire extinguishers ripped off of building walls and beds thrown out as trash.

I am pleased that the task force report contains recommendations derived from my legislation on base reuse planning. The report recommends that no essential systems on a base be shut down, or any other steps taken that would detract from a community's reuse effort, for 2 years after the announcement. During that time, the nonmission essential property of the base must remain in place. This ban on shutting the base down and transferring the assets will give communities time to plan for reuse and economic development.

The report proposes a number of changes to give communities earlier and easier control of the base land and buildings and to leave the base in a more development-ready state. For example, under current law, Federal agencies have first right to base reuse up until the time that the property is actually transferred to local authorities. To prevent the disruption to the

planning and reuse process created by this open-ended Federal right, the task force proposes giving local authorities a veto power over Federal use after 30 days of the initial Federal screening. Federal agencies will still be welcome, but they would be subject to the reuse needs of the community and would not be able to bump others who wish to use the site.

The report also recommends simplifying and decentralizing the interim leasing process and basing the process on the reuse plan. Successful reuse requires getting users on base as quickly as possible—even before the base is transferred to local control. However, in the past, this interim lease process has been slow, confusing and driven by the needs of the military, not the community. Changing the way in which interim leases are handled will go a long way to speeding up the base reuse process.

Likewise, environmental cleanup efforts should also be driven by the reuse plan. The report recommends a number of reuse-driven changes in the cleanup process, including early environmental studies tied to the development of the reuse plan and prioritizing the cleanup according to reuse needs.

Reuse planning will be useless, however, if no one listens to the communities and their needs. The report, therefore, also recommends a number of initiatives to give the communities a greater voice in the base closure process, both locally and in Washington. This includes the creation of local base closure communities and a multiagency Installations Redevelopment Board to meet regularly with community representatives and Defense Department officials. The local committees and the Board will help resolve disputes between the community and the military.

These initiatives will put the redevelopment needs of the communities first and prevent many of the problems that occurred in the past. As we move into the latest round of base closings, these changes should help buffer some of the devastating impacts of a base closing on a community—and clearly prevent the process from becoming a bureaucratic nightmare for those already the hardest hit.

President Clinton has recognized the problems with the current system and is moving quickly to alleviate them. Earlier this month, the President announced a program to increase the size of community planning grants, establish a single Federal coordinator for each community, speed up the environmental cleanup process, refocus the property disposal and base closing process toward economic development, and revitalize community and worker assistance programs.

I applaud the President for his forceful action. The task force has consulted closely with the administration while developing our recommendations. I am sure that this coordinated attention on both executive actions and legislative changes will greatly improve the process. I intend to strongly support the enactment of these recommendations into law when we consider this year's Defense bill on the floor of the Senate.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank the Chair for the recognition.

THE NATIONAL COMMUNITY AND SERVICE TRUST ACT OF 1993

Mr. GRAMM. Madam President, I am often struck by paradoxes in this great deliberative body we serve in and in this great historic building. But today, I am especially struck by the paradox that in every dark, dingy corner of this Capitol Members of the House and Senate are gathered to conspire to raise taxes on the working men and women of America, all the while raising their voices in unison saying, we are not raising taxes to spend this money. We are raising taxes to deal with the deficit. We have to raise income taxes on small businesses and family farms. We have to raise marginal income tax rates by 30 percent. We have to tax Social Security benefits, and we have to tax gasoline, all to lower the deficit, to make the hard choices and to do what the country needs to be done.

Yet, we will soon go back to debate in this very body the President's National Community Service Trust Act of 1993.

Madam President, as we all know, the President has asked us to create a brand new program this year. Now, this week, the same week we are raising all these taxes that we are not going to spend. Yet this new program will spend $10.8 billion

If you listen to those who support this bill you get the idea that this is a bill to promote voluntarism in America. But when you look at the bill, what you find is that this bill is going to cost $45,000 per person that is engaged in doing all these voluntary activities over a 2-year period.

I think it is interesting to note that in many offices on this very Capitol Hill, newly-minted graduates of Harvard University do not make that much money. Yet we are going to create all these new positions and expend $10.8 billion to create this volunteer service corps that is going to cost $45,000 per volunteer.

What are these volunteers going to do? These volunteers are not going to take the place of civil servants. In fact, the bill specifically precludes them from substituting for people who are hired to do normal jobs by the Federal Government. So what we are going to do is basically go around making up new positions for people to do volunteer work.

Madam President, the problem with this, besides the fact that we do not have the $10.8 billion, is that we already have 40 million real volunteers in America who are actually doing volunteer services. In fact, we spend $1.5 billion a year promoting voluntarism now. I do not understand voluntarism when you are being paid for it.

But my point is very, very simple: That is, on the very day that we hope to begin to reach closure on a tax bill to raise taxes on income, Social Security, and gasoline, we are talking about creating a brand new program that costs $10.8 billion.

So if there is anybody who wonders why the American people do not trust Congress to raise taxes and apply the money to the deficit, all they have to do is to look at what we are doing this very day when people are hiding in all corners of the Capitol plotting to raise taxes, vowing not to spend the money, at the same moment that we on the floor of the Senate are debating a bill to create a new program to spend $10.8 billion.

My view is we do not need this program. My view is the last thing in the world we need to be doing is paying people $45,000 to do volunteer work. I think we ought to encourage voluntarism. I think it is part of America. I think it is a great and good thing. But I do not believe this is an efficient expenditure of the taxpayers' money. I think if we prevented this bill from passing that it would be a good indication that maybe we are serious about deficit reduction. That is why I never intend to see this bill passed, at least with my vote.

I intend to vote against bringing debate to a conclusion. I intend to see us continue to offer amendments. I hope this bill does not pass. We do not need to spend another $10.8 billion we do not have.

I thank the Chair.

TRUE PARENTS DAY

Mr. LOTT. Madam President, I rise today to offer remarks on "True Parents Day," which will be celebrated officially on July 28, 1993.

The breakdown of the family is a major factor contributing to the rise of crime, teen pregnancy, educational decline, substance abuse, and suicide among our Nation's youth;

The values of sacrificial love and truth are fundamental in developing the moral character necessary in forming and maintaining the family unit;

All parents, including single parents, have the responsibility to create an environment where true love can be expressed and imparted to our children;

Parents, by their example of sacrificial love and the transmission of moral and cultural values play a crucial and determinant role in the development of youth;

It is in the interest of society and government to adopt policies, strengthening and sustaining fathers and mothers and single parents in fulfilling their parental roles; and

The Women's Federation for World Peace will be sponsoring an event in Congress on July 28, calling for a renewal of our social commitment to sustain and strengthen families.

Therefore, I wish to join the Women's Federation for World Peace in celebrating July 28, 1993, as True Parents Day. I also urge my colleagues in the U.S. Senate, and all citizens of our Nation to recognize and support True Parents Day and the restoration of God-centered families in our society.

TRIBUTE TO TRACE THURLBY

Mr. PRYOR. Madam President, it is my pleasure to rise today and pay tribute to Trace Thurlby of Russellville, AR. Trace was recently named cadet wing commander for the fall 1993 semester at the Air Force Academy in Colorado Springs, CO. He is the first Arkansan to receive this honor.

When I nominated Trace to the Air Force Academy in 1990, I had no doubt that he would make an exceptional cadet. During his high school years in Russellville, this young man had shown himself to be an outstanding student, leader, and all-around athlete. However, his performance at the academy warrants special recognition. As my colleagues well know, some of the Nation's top students seek entrance to the Air Force Academy. Those few that are accepted face rigorous academic and personal challenges. To be named cadet wing commander, the highest position of responsibility and honor a cadet can achieve, is something special.

Given his obvious talents, Trace has many goals for the future, and is already forming plans for life after the Air Force. However, for now, he is looking forward to graduating next year and becoming an officer. As Trace phrased it, "Being an officer is the No. 1 thing, and having a desire to serve. If you have that desire, you'll be happy in whatever job you end up in." With such a positive attitude, there is no question that this young man will continue to excel.

I would like to ask that my colleagues join me in congratulating Trace Thurlby on this notable accomplishment, and wishing him much success next year as cadet wing commander at the Air Force Academy.

YEAR OF THE AMERICAN CRAFT

Mr. INOUYE. Madam President, as we celebrate the "Year of the American Craft," I proudly extend my warm wishes and heartfelt commendation to a special and select group of skilled laborers, the laborers of love.

Hawaii's handcrafters are blessed with skill, patience, creativity, and an eye for beauty. Our diverse ethnic cultures bring an added dimension to further complement this Year of the American Craft—from the Hawaiian feather leis and quilts, Japanese raku pottery and shashiko stitchery, to Chinese knotting and screening. These crafts are not only beautiful, they also instill pride and emphasize the importance of passing these age-old skills on to the younger generations, and in doing so, they perpetuate the traditions of the many cultures of our island State.

Madam President, it is the pride, perseverance, and self-discipline that we pay tribute to. It is a celebration of their commitment to excellence. It is the unification of mind and spirit which produces the precious and beautiful crafts we will enjoy.

I call upon my colleagues to join me in saluting and commending our Nation's laborers of love in this "Year of the American Craft" and "Celebration of the Creative Work of the Hand."

VENERABLE THAD EURE DIES

Mr. HELMS. Madam President, amidst an unusual amount of hurly-burly in the Senate last week, I lost a friend—a dear friend to thousands of others in addition to me. He was colorful, he was genuine, he was enjoyable—and, to me, always a faithful friend.

His name was Thaddeus Armie Eure, but nobody ever knew him by that name. And nobody ever called him that. He was Thad Eure. Period. He was North Carolina's secretary of state for more than a half century. And what a man he was, his life spanning two centuries; had he lived just 6½ more years, he would have been a part of three centuries.

Thad Eure was 93 when he passed away this past Wednesday, July 21. He was less than a year old when the 20th century began, but it was a century that he made the most of.

For one thing, Madam President, he became America's longest serving State official in 1986 when he passed the 50-year mark as secretary of state of North Carolina. He retired in January 1989.

Madam President, long ago when I was a fledgling news reporter in Raleigh, I made it a point to stop by every day for a visit with Secretary of State Thad Eure. He knew just about everything that was going on in North Carolina and he confided in me, telling me whom to call and often suggesting the best questions to be asked. We had an understanding that I was never to disclose the identity of my source. I never did.

In a moment, Madam President, I am going to ask that an excellent newspaper story about Thad Eure be printed in the RECORD. The story appeared in the Raleigh News and Observer on July 22 and was written by Treva Jones, a talented reporter.

But before I do that, Madam President, let me mention a couple of personal asides. Mr. Eure enjoyed working with the media people and they enjoyed working with him. Sometimes there would be joking exchanges—but it was almost impossible to get the better of Mr. Eure. There was, for example, the occasion when a horse that had won the Kentucky Derby was brought to Raleigh to be displayed on the State capitol grounds. Secretary of State Eure was among the state officials who went outside to admire the beautiful horse.

The news photographers urged Mr. Eure to step up and be photographed with the horse but he would have none of that. "I can just see the caption under the picture tomorrow morning—Horseman Eure," he said. He was right; that's precisely what the playful reporters had in mind.

Many of Mr. Eure's friends had hoped that he would one day serve in the U.S. Senate. In fact, there was one occasion in 1949, when it appeared that Mr. Eure would indeed be appointed by the Governor of North Carolina to succeed a recently deceased Senator from North Carolina. It did not happen and, looking back on it, I suspect that Thad Eure preferred to stay in North Carolina anyhow.

Madam President, I have always considered Thad Eure as one of nature's noblemen. He liked to call himself "the oldest rat in the Democratic barn"—but he was anything but a rat. He liked to poke fun at Republicans and did a lot of it. But he had an enormous number of Republican friends, including Jesse Helms. The last time I saw Thad Eure, he whispered in my ear: "You're doing fine. Keep on giving 'em hell." He squeezed my arm and I squeezed his, and that was the last conversation we would ever have.

Madam President, I ask unanimous consent that an article from the July 22, 1993, edition of the Raleigh News and Observer, written by Treva Jones, and headed, "Venerable Thad Eure Dies," be printed in the RECORD at the conclusion of my remarks.

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

[From the Raleigh News and Observer, July 22, 1993]

VENERABLE THAD EURE DIES

(By Treva Jones)

Former N.C. Secretary of State Thad Eure, the nation's longest-serving state official when he retired in 1989 after a half-century on the job, died Wednesday night in Raleigh.

Mr. Eure, 93, died at Raleigh Community Hospital about 8 p.m, after surgery to remove his gall bladder.

"He got through the operations beautifully" but never quite stabilized, said his daughter, Armecia Eure Black.

Funeral and burial will be Saturday in Raleigh.

Famous for oversize, red bow ties and for the straw boaters he wore every summer, Mr. Eure took office in 1936 after imploring voters to "Give a young man a chance." In his later years, he hoped to survive until 2000 so he could have lived in three centuries. He figured he signed his name 625,000 times on state documents and correspondence, using an estimated five gallons of his trademark green ink.

And he said he was glad he retired when he did. "Thank God I wasn't voted out, kicked out, or carried out." Mr. Eure told well-wishers at his 93rd birthday party in November.

"I think this state will always have a part of Thad Eure in it," said Gov. Jim Hunt, who credited Mr. Eure with exciting his own interest in politics in the mid-1950s.

"He believed in young people, believed in springtime, when you put on a straw hat, and being excited about the future and excited about what we can do."

John Dombolis, who owns the Mecca Restaurant in downtown Raleigh and knew Mr. Eure for 40 years, said, "he was an exemplary person, and he served the state with great honor and with great dignity."

John Dombolis said Mr. Eure would come into the restaurant and order a small hamburger, which wasn't on the menu. For him, they made small hamburgers, while Mr. Eure chatted with customers at the counter and in the booths along the wall.

"I think he mostly wanted to come in and see everybody," said Mr. Dombolis' wife, Floye, who also works in the restaurant.

Born in 1899, Mr. Eure said he was "the oldest rat in the Democratic barn," a title bestowed on him by U.S. District Judge John D. Larkins Jr. sometime after the middle of the century. At a retirement party for him in 1988, Republican Gov. Jim Martin called Mr. Eure "one of North Carolina's great treasures." Even then-President Reagan acknowledged Mr. Eure's record of service.

Also known as "Mr. Democrat," Mr. Eure was fond of saying that he was "nursed from a Democratic breast and rocked in a Democratic cradle." Republicans were anathema to him, although he served alongside two Republican governors in his time, and many Republicans as well as Democrats sought his advice.

"Voting for the man instead of the party is nothing but hogwash," said Mr. Eure, adding that "the political facts of life of American government are that it is run through the medium of parties instead of individuals."

He had a craggy, deeply grooved face and a rich, booming voice and likely was one of the last true orators in the state.

Mr. Eure wouldn't have been upset if a public address system failed just before he was to speak. He could talk to a group of a few thousand people without the aid of a microphone and be heard in the last row.

Wherever he went, Mr. Eure shook hands, patted backs, kissed babies, hugged women, and reminded people that he would be up for re-election next time around.

As secretary of state, Mr. Eure was the keeper of many state and corporate records.

When he retired, he said he was "going to go back home where I've outlived all my enemies and start wearing out a rocking chair." He didn't. He stayed in Raleigh.

In the 1980s, when Mr. Eure's vision got too poor for him to drive, Mr. Martin directed security officers to transport him between his home and his office, and to other Raleigh locations where the secretary of state needed to go on business. Mr. Eure didn't surrender his driver's license until 1986, and only then because he couldn't read on a vision test machine. About 70 people gathered in the old House chambers in the State Capitol on Nov. 15, 1992, to wish Mr. Eure a happy 93rd birthday.

"The reason more people aren't here tonight is because my friends have long passed away and I'm still here," Mr. Eure joked. He and his wife, Minta Banks Eure, celebrated their 68th wedding anniversary on the same day as his birthday party.

Mrs. Eure spent part of the day Wednesday at the hospital with her husband.

Mr. Eure, named Thaddeus Armie Eure, was born in Gates County, the son of Tazewell A. and Armecia Langston Eure. He grew up on a cotton and peanut farm.

He attended Gatesville High School from 1913 until 1917, and the University of North Carolina from 1917 until 1919. He earned money for college by cutting students' hair for 25 cents, and selling them suits for $18. He was a private during World War I.

He went to law school at UNC from 1921 until 1922, and was admitted to the State Bar in 1922.

From 1923 until 1931, he was county attorney for Hertford County, and mayor of Winton from 1923 until 1928, Mr. Eure represented Hertford County in the state House of Representatives in 1929 and was Principal Clerk of the House during the sessions of 1931, 1933 and 1935, as well as an extra legislative session in 1936.

When the legislature wasn't in session, he was an escheats agent for UNC. He moved across the state making contacts. It paid off when he ran for secretary of state, beating the incumbent in a second primary.

He was elected secretary of state on Nov. 3, 1936, and when the incumbent, resigned, he assumed office Dec. 21, 1936, 10 days before the term was supposed to begin.

He was re-elected every four years from then until 1984. He retired in January 1989, the day his successor took office.

The Eures were married Nov. 15, 1924, and had two children: Armecia Eure Black and Thad Eure Jr. Their son died of cancer in November 1988.

Mr. Eure always maintained his legal voting residence in Hertford County, and he remained a member of Eure Christian Church in the town of Eure, named for his family.

In biographical data sheets he sent routinely to The News & Observer, Mr. Eure listed his business address as State Capitol, Raleigh.

During the time he was secretary of state, Mr. Eure kept his office in the Capitol, refusing more than one offer to move him to more modern, spacious quarters. He bragged that his door was always open, and he delighted in dropping whatever he was doing to steer a group of schoolchildren through the historic building.

Ironically, when he retired, the space was turned over to Lt. Gov. Jim Gardner, a Republican, and only a ceremonial office for the secretary of state was maintained in the Capitol.

During his tenure, Mr. Eure saw the state take over the jobs of providing public education and of building roads, he saw the consolidation of the state universities into one system and the establishment of community colleges across the state. He survived criticism for his longtime practice of hiring only unmarried Democratic women to work in his office, and for writing the later-infamous state Speaker Ban Law, which attempted to prohibit Communists from speaking on any state-owned college campus. He was criticized as one of several members of the Council of State who advocated closed meetings of the council.

But the venerable politician drew more kudos than catcalls during his tenure.

He was given public service and merit awards from the N.C. Citizens for Business and Industry, N.C. State University, the N.C. State Elks Association, Elon College, Theta Chi fraternity and other organizations. In 1958, he received an honorary Doctor of Laws degree from Elon College. He served on the Elon College Board of Trustees 33 years, until he retired as chairman in 1988.

Surviving Mr. Eure, in addition to his daughter and his wife, are a brother, Dr. Darden J. Eure of Morehead City; a sister, Mrs. Donald S. Coeyman of Greensboro; four grandsons; three granddaughters, and four great-grandchildren.

THE KOREAN WAR

Mr. REID. Madam President, today marks the 40th anniversary of the cease-fire that ended the Korean war July 27, 1953.

This day is a reminder to all Americans of the gratitude we should have for Korean war veterans who suffered. In this Chamber, two Korean war heroes come to my mind—Marine pilot JOHN GLENN and Marine Capt. JOHN CHAFEE. Both were decorated for their valor in this conflict.

Korea's liberation from Japan after World War II was not a peaceful one. Divided at the 38th parallel and occupied by two superpowers with conflicting ideologies, Korea quickly became a victim of the cold war.

The fight to stop the spread of communism was staggering: 580,000 allied troops were killed; 150,000 Americans were either killed or injured; and 1.6 million Communist troops died during the conflict.

The Korean war was not a civil war between the People's Republic of Korea in the north and the Republic of Korea in the south. It was an attempt by Joseph Stalin to expand the Communist empire. North Korea's Kim Il Sung could not have launched the 1950 invasion without Soviet encouragement and support.

Due to the bravery of the American servicemen, this onslaught was halted and democracy in South Korea was preserved.

On June 24, 1950, just 1 year after the United States pulled a majority of its troops out of Korea, the People's Republic of Korea attacked the Republic of Korea. Led by Soviet tanks, the North Koreans captured Seoul, the capital of President Syngman Rhee's regime.

Clearly, the United States had to take quick action to prevent the complete takeover of South Korea by the Soviet-directed North Koreans. Without the support of the United States, the takeover of South Korea was imminent.

At the urging of Gen. Douglas MacArthur, President Truman quickly committed the United States to repel the Communist aggressor. It was the immediate deployment of United

States Armed Forces that halted the North Korean offensive at the southeastern city, Pusan.

With the North Korean offensive successfully stopped, MacArthur was able to launch his first attack. On September 15, 1950, the American forces reclaimed Seoul by attacking from the port of Inchon.

The war turned in South Korea's favor and it appeared the war would be short. MacArthur sent United States and Republic of Korea troops into North Korea and the offensive moved quickly up the Yalu River.

The "final offensive," as General MacArthur called it, was launched on November 25, 1950. Unfortunately, MacArthur was overoptimistic about the final offensive. The 200,000 Chinese soldiers massed on both sides of the Korean-Chinese border were not simply volunteers as asserted by the Chinese Government, but soldiers ready to fight. The Chinese counterattack struck a vicious blow to the 8th Army, which was ultimately forced to retreat south of Seoul.

During the next year, the two sides struggled in a seesaw fashion to gain the advantage. Finally, after the United Nations bowed to pressure for increased support, the Chinese and North Koreans retreated across the 38th parallel. Then, on July 27, the cease-fire agreement was signed.

The United States contribution in the Korean war cannot be argued. Due to the extraordinarily brave efforts of our American servicemen, the spread of communism was stopped right where it started, at the 38th parallel.

During the last 40 years, South Korean's economy has flourished under a democratic government. South Korean's toehold on democracy has made it a leading power in Asia.

The Korean war has been labeled the "Forgotten War" due to the importance placed on World War II and the Vietnam war. However, our American veterans from the Korean war must not be forgotten. They deserve to be honored and recognized as the men and women who preserved democracy and peace in Korea. This is a day to remember those veterans. This is a day to remember the Korean war as a victory against the Communist empire.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, July 23, the Federal debt stood at $4,342,543,241,528.91, meaning that on a per capita basis, every man, woman, and child in America owes $16,906.33 as his or her share of that debt.

TRIBUTE TO THE LATE COUNCIL MEMBER VAN WHITE

Mr. WELLSTONE. Mr. President, I rise to pay tribute to a dedicated public servant. With the passing of Van White, former Minneapolis Council member, the city has lost one of its distinguished political leaders. As Minneapolis' first African-American council member, Van White served with dedication. He fought hard for and enthusiastically devoted himself to the city he loved.

While representing the fifth ward during his 10 years as a council member, Mr. White worked hard to develop industry and jobs on the near north side of Minneapolis. He devoted his efforts to promoting economic development including a Target store, housing projects, new schools, and parks.

Van learned early about hard work and achieving one's goals. Growing up in poverty, he was 10 years old when his father died, leaving him with the responsibility of heading up a household of five children. He went on to graduate from Patrick Henry High School and worked as a construction laborer. Prior to running for public office, Van worked for about 25 years for the Minnesota Department of Economic Security as an employment interviewer and office manger. In 1971 he helped to found the Willard-Homewood Organization. He was involved in several community organizations and helped to develop a park and community center.

When he ran for the city council in 1979 it was not to break the color barrier but to help make Minneapolis a better place to live. White's bust was recently unveiled at the Minneapolis City Hall. It bears the inscription, "If I have helped just one somebody, then my life and my living have not been in vain." This is what we will remember about Van, that his life was not in vain.

Admired and loved by family, friends, and colleagues, I extend my deepest sympathies to his wife, Javanese, his son Perri, his daughter Javoni and his granddaughter Kapria. Van White leaves a rich legacy of contributions to the city of Minneapolis. We will all miss this dynamic individual.

TRIBUTE TO THE LATE PATRICK LIPPERT

Mr. WELLSTONE. Mr. President, I rise to pay tribute to the late Patrick Lippert, a dedicated Minnesota political activist who died July 13.

Patrick led the Rock the Vote campaign, a nationwide campaign devoted to registering young voters. The group was instrumental in registering 350,000 people to vote and claimed credit for an 18-percent increase among 18- to 24-year-olds in the 1992 Presidential election.

A native of Minnesota, Lippert was born in St. Paul. He was a 1980 graduate of the College of St. Thomas, now the University of St. Thomas, where his father was a literature professor. In 1981, he moved to Los Angeles and worked in the State assembly campaign of State senator Tom Hayden.

He later became director of a Hollywood political action group created by Hayden and his former wife, Jane Fonda. Well-known in Hollywood circles, Lippert was recognized for motivating people in the entertainment industry to become involved in politics. He also worked on the Presidential campaigns of Michael Dukakis and Gary Hart.

In 1989 he helped found the Hollywood Policy Center, a politically based entertainment group. In 1991, he became executive director of Rock the Vote which relied heavily on MTV to sign up young voters.

Optimistic and inspirational, Patrick tirelessly spearheaded the movement to involve young people in the political process by voting. Admired by family, friends, and colleagues, Patrick's commitment and dedication is an inspiration to all of us.

I extend my deepest condolences to Patrick's parents, Bob and Toni Lippert. Patrick leaves a rich legacy and he will be deeply missed.

REGARDING NEW DEFICIT ESTIMATE AND ENERGY TAX

Mr. HATCH. Mr. President, I rise today to add my voice to that of the Senator from New Mexico, Senator DOMENICI, and others, in calling on the Clinton administration to release immediately the Office of Management and Budget's midsession economic report.

This report, Mr. President, will show that the premise on which President Clinton sold middle-class tax increases to the American people is not true. The failure to release it suggests that the real reason the administration requested this tax hike—indeed is fighting for it against heavy congressional opposition—is to increase spending.

Last February, after new estimates were released showing a higher than expected deficit, President Clinton told the American people that the higher deficit estimate had forced him to propose raising taxes on the middle-class. This laid the groundwork work for the President's inclusion of a broad-based energy tax in his budget and tax proposal.

During the Presidential campaign last year, President Clinton repeatedly promised the American people that not only would he not raise taxes on the middle class, but that he would offer them a tax cut. Specifically, his campaign document, "Putting People First," promised:

> We will lower the tax burden on middle class Americans by asking the very wealthy to pay their fair share. Middle class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate.

As recently as his first postelection news conference, the President reaffirmed his pledge to lower the tax burden on the middle class. A few weeks after that, however, at a news conference on January 14, 1993, the President began to back away from this promise by stating that he had never met a voter who thought that the middle class tax cut was the most important issue in the race and that "the American people would think I was foolish if I said I will not respond to changing circumstances."

By February 17, 1993, in his televised address to the Nation, the President had fully departed from his middle class tax cut pledge when he said,

I can't [avoid raising taxes on the middle class] because the deficit has increased so much, beyond my earlier estimates.

I find it ironic, Mr. President, that now that new estimates show the deficit to be about $40 billion lower, over 5 years, than was forecast in April, that the administration has chosen to, in effect, cover up these figures by not releasing the OMB midsession report.

Could it be that the administration is worried that the Nation's focus on the lower estimate, at the very time when Senate and House conferees are meeting to work out a compromise on the energy tax, might remove some of its so-called justification for this unwise tax?

Mr. President, it is obvious to even the most casual observer of this year's budget bill that the most difficult and controversial aspect of the conference is finding an acceptable compromise on the energy taxes. I submit that the energy tax, in either the House or Senate version, is also one of the most harmful tax increases proposed in the tax bills, not only for Utah but also for the Nation.

Therefore, I urge the conferees, as well as the President, to release the OMB midsession report and to use the new deficit estimate as a justification to remove the energy tax from the budget plan entirely. The administration used the higher deficit estimate as an excuse to raise middle-class taxes. Now that the deficit is lower, the President should again adjust to changing circumstances. Then energy taxes should be dropped. The only possible reasons for maintaining these tax provisions in the bill is to finance increased spending—spending for new programs that should be shelved until there has been some real progress toward reducing the deficit.

At $40 billion, the lower deficit is more than the revenue that the Senate version of the energy tax is projected to bring in, and is almost as much as is estimated for the House version, when the Btu tax is offset by the provisions that are included to dilute its harmful effects on the poor. Because of the hundreds of thousands of jobs that are estimated to be lost from either version of the energy tax, most of the projected revenue from the tax is unlikely to be realized.

I am just as concerned about the deficit as anyone in this body. No one wants to see a real deficit reduction plan passed this year more than I do. But, as I said at the time I voted against it, this bill will not be effective. I fear that many provisions will have the opposite effect from that which is intended, and the energy tax is one of them.

Let's be honest with the American people, Mr. President. Let us use this occasion to strike a blow against energy taxes and for the health of the economy.

STATEMENT ON THE NOMINATION OF ARTHUR LEVITT

Mr. PRESSLER. Mr. President, yesterday, the Senate confirmed the nomination of Arthur Levitt, Jr., to be the Chairman of the Securities and Exchange Commission. I rise in strong support of the confirmation. I have known Arthur both professionally and socially for more than 15 years. He is exceptionally well qualified by education, professional background, and experience to take on one of the most important positions in Government. To no one's surprise, his nomination was unanimously approved by the Senate Committee on Banking, Housing, and Urban Affairs.

Arthur is a graduate of Williams College, where he was elected to Phi Beta Kappa. After serving in the Air Force for 2 years, he held positions with Time, Inc., and Oppenheimer, Inc. In 1962, he joined Shearson Hayden Stone, Inc.—now Shearson Lehman Bros., Inc.—where he served as president from 1969 to 1978. From 1978 to 1989, he was chairman and chief executive officer of the American Stock Exchange, the third largest stock exchange in the United States.

Even while serving in these demanding business positions, Arthur somehow was able to serve on numerous governmental and public service boards and commissions. He, for example, has served on four executive branch commissions, including chairing the White House Small Business Task Force. This particularly is significant to me as one who has served on the Senate Small Business Committee for more than 14 years.

Hence, I was gratified—but not surprised—to note Arthur's statement before the Senate Banking Committee that the SEC should not concentrate only on big businesses and multinational conglomerates. Instead, he emphasized: "We must also help small, entrepreneurial businesses raise the capital that is the lifeblood of innovation. These emergent businesses have proved to be the engine of economic growth—creating a disproportionately large share of our jobs, our research and development breakthroughs and our higher living standards."

What I have said thus far about Arthur Levitt may suggest he devotes all of his time to keeping on top of what is happening in the financial world. But that is not the case. Arthur is a great outdoorsman, as well. Along with others, he and I have participated in Outward Bound excursions in the Rocky Mountains of Colorado. I assure you he is the sportsman who sets the pace on these trips. John C. Whitehead, well known investment executive and Outward Bound veteran, had this to say about Arthur and this nomination:

Once a year, for nearly 20 years, Arthur and I have endured together the tortures of an Outward Bound trip, and have the temerity to describe it as "our favorite week of the year." He is an outstanding human being, ideally fitted professionally and personally for his new responsibilities as Chairman of the SEC. After running the rapids, climbing the mountains and riding the horses, the job will be easy for him.

Mr. President, I welcome this opportunity to speak in support of Arthur Levitt's confirmation as chairman of the Securities and Exchange Commission. I am confident he will serve with great distinction in this important post.

ELIMINATION OF THE WOOL AND MOHAIR PROGRAM

Mr. FEINGOLD. Madam President, I am very pleased that the Senate has taken a decisive step toward reducing the Federal deficit by eliminating a program—the Wool and Mohair Support Program—that is no longer justifiable in light of our Federal deficit. Earlier this year I introduced S. 477 which would have terminated the Wool and Mohair Program. Since that time I have been working with Senator BRYAN to find ways to eliminate this antiquated program in order to save taxpayers $760 million over the next 5 years.

I am extremely pleased that reason and common sense have prevailed in this debate and I commend Senators BUMPER and COCHRAN for accepting Senator BRYAN's amendment yesterday. By decisively tabling 63 to 36 the motion to send this bill back to the committee to reconsider the elimination of the Wool and Mohair Program the Senate has sent an overwhelming message to the conferees. That message is that this program should be eliminated.

This program, which began in 1954, is antiquated and simply can no longer be justified. There are commodity support programs which serve important purposes such as price and market stability, ensuring consumers a reasonably priced, ample and safe supply of food. We do not simply control the price, we control the production of those commodities through a combination of

acreage and program controls. These controls keep the costs of the programs to taxpayers in check while still providing price stability to farmers. These programs also provide environmental benefits by requiring certain practices on lands enrolled in the Federal programs.

The case simply cannot be made for this program. Forty years ago, when this program was created, we may have been able to justify the program based on our needs for durable and warm wool clothing for the armed services. Now, however, there are a number of more practical alternatives for clothing our troops and we can't justify the Wool and Mohair Program.

The program is even more difficult to defend given the distribution of the benefits. Less than 3 percent of the wool producers receive over 55 percent of the program benefits. At the other extreme, 65 percent of the producers receive payments less than $500 which clearly suggests that the Federal taxpayers are handing out support payments to people who are not dependent on this support. We simply cannot justify supporting these producers at the expense of the U.S. taxpayers.

Once again, I commend Senator BRYAN for offering this amendment, the managers of the bill for accepting it, and the Senate for affirming that decision.

FORTIETH ANNIVERSARY OF THE SIGNING OF THE ARMISTICE ENDING THE KOREAN WAR

Mr. MITCHELL. Madam President, on this date 40 years ago the Korean war ended with the signing of the military cease-fire and armistice between the commander of the United Nations Command and the commanders of the North Korean Army and the Chinese Peoples Army.

Today the Korean people remain divided. The wartime armistice continues between a heavily armed north and south—a peace agreement has not been signed. American troops first arrived in Korea in September of 1945 and over 35,000 still remain there today to defend South Korea.

The Korean conflict has often been referred to as the forgotten war, but on this 40th anniversary of the end of 3 years of bloody fighting in the frozen hills of Korea, let us not forget today to remember the over 50,000 Americans and 17,000 soldiers from 14 countries of the United Nations, who gave their lives in this first international effort to keep world peace by fighting against aggression. Nor can we forget the families of the 8,177 Americans who remain unaccounted for from this war to preserve international peace.

As our Nation again faces threats to international peace in various places throughout the world, it is appropriate on this anniversary of the end of the fighting in Korea, to pause for a moment to remember the sacrifices of the 4 million Americans who served, and the thousands who selflessly gave their lives there 40 years ago in the cause of maintaining international peace.

STATEMENT ON THE NOMINATION OF ARTHUR LEVITT, JR.

Mr. DODD. Madam President, yesterday evening, the Senate unanimously confirmed the nomination of Arthur J. Levitt, Jr., to be Chairman of the Securities and Exchange Commission. I did not have an opportunity to come to the floor at that time, but would like to say a few words about his nomination today.

By naming Arthur Levitt Chairman of the SEC, the President has chosen someone with the experience, the skills, the intellect, and the temperament to serve in this important position. Arthur Levitt has been an entrepreneur and, as Chairman of the American Stock Exchange, he has been a regulator. And I am convinced he has what is perhaps the most important qualification for his job: A deep commitment to the notion that investor confidence is the foundation of strong capital markets. Arthur Levitt, perhaps more than anyone who has come to this job in many years, understands and appreciates the importance of protecting investors and maintaining that confidence.

I have confidence in Arthur Levitt. He was voted out of the Banking Committee unanimously. He is an outstanding appointment, I strongly support his nomination, and I look forward to working with him.

AGRICULTURE APPROPRIATIONS

Mr. LIEBERMAN. Madam President, I voted against the Agriculture appropriations bill and would like to explain why I did so. I want to make it clear that I still support key domestic food programs contained in this bill, including WIC, food stamps, and the school breakfast and lunch programs which all help those who need help the most in this country.

However, I find it difficult to support the wide range of agricultural subsidies contained in this bill—many of which fail to meet the test of common sense. While I was pleased that this Chamber eliminated a number of the more egregious subsidies, I do not think that we went far enough. I am pleased we slashed the honey program, delighted we stopped the wool and mohair funding, and supported cutting the market promotion program. My only wish is that we had gone further in cutting the other subsidies that this Government, as financially strapped as we are, offer to most successful agricultural sector in the world.

For this reason, I have voted against this bill. If there is one message I have received from the people of Connecticut, it is that we must tighten our belts in Washington, just as the people of Connecticut have been forced to tighten theirs. I believe this bill is a good place to start and I hope that the conference committee on this legislation will take steps to cut these subsidies further.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

DISTRICT OF COLUMBIA APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2492.

The legislative clerk read as follows:

A bill (H.R. 2492) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said district for the fiscal year ending September 30, 1994, and for other purposes.

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

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

H.R. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I

FISCAL YEAR 1994 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1994, $630,603,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000**[**, of which $2,000,000 shall not be available for obligation until September 30, 1994 and shall not be expended prior to October 1, 1994**]**.

FEDERAL CONTRIBUTION FOR CRIME AND YOUTH INITIATIVES

For a Federal contribution for crime and youth initiatives in the District of Columbia,

[$17,327,000] *$15,327,000: Provided, That the Mayor may use a portion of these funds for the operations of the Trauma Care Fund as established in Public Law 102-382 (106 Stat. 1428): Provided further, That no trauma center may receive an amount greater than its proportionate share of the total available in the fund, in any fiscal year, as determined by its proportionate share of total uncompensated care among Level I trauma centers in the District of Columbia for the most recent year such data is available: Provided further, That in no case may any trauma center receive more than 35 percent of the total amount available in any one fiscal year: Provided further, That these funds shall be subject to any modifications that may be enacted in authorizing legislation.*

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, [$118,543,000] *$114,781,000: Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $10,801,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, [$85,348,000] *$85,629,000: Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, [$907,966,000] *$877,703,000, of which $1,100,000 for the District of Columbia National Guard; $1,848,000 for the Office of Emergency Preparedness; and $1,052,000 for object class 70 of the Metropolitan Police Department shall be derived from other Federal sources hereafter appropriated: Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1994, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: [*Provided further*, That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Fire Fighting Division of the Department:] *Provided further, That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved: *Provided further*, That the Mayor shall promulgate all necessary rules and regulations to provide that no police officer, firefighter, or correctional officer shall be permitted to work for more than ten (10) hours of overtime excluding court time in any one pay period, without the written approval of the Chief of Police, Chief of the Fire Department, or Director of the Department of Corrections: *Provided further*, That such approval shall clearly state specific reasons as to why such overtime was necessary.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, [$711,813,000] *$710,742,000*, to be allocated as follows: $517,682,000 for the public schools of the District of Columbia; $98,600,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $65,739,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; [$3,540,000] *$3,474,000* for the Commission on the Arts and Humanities; [$4,500,000] *$3,500,000* for the District of Columbia School of Law; and [$492,000] *$487,000* for the Education Licensure Commission: *Provided*, That the public

schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That no later than December 31, 1993, the Board of Trustees of the University of the District of Columbia shall implement resident and nonresident tuition rate increases of not less than 20 percent of the rates in effect on April 1, 1993: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1994, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, [$914,830,000] *$869,587,000*: *Provided*, That [$17,905,000] *$20,905,000* of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, [$215,749,000] *$203,939,000*: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $12,850,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note); *section 6 of Public Law 101–590 (104 Stat. 2929)*, including interest as required thereby, [$312,948,000] *$316,948,000*.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,337,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,423,000.

PAY ADJUSTMENT

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1994 from which employees are properly payable, [$70,680,000] *$81,680,000*.

SEVERANCE PAY

For severance pay to employees who are involuntarily separated from service as a result of reductions-in-force or reorganizations, $11,033,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $20,000,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of [$27,062,000] *$7,000,000*, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, [$108,743,000] *$158,743,000*, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, secs. 9–219 and 47–3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85–692; D.C. Code, sec. 40–805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91–143; D.C. Code, secs. 1–2451, 1–2452, 1–2454, 1–2456, and 1–2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $10,577,883 shall be reduced from the cumulative amount available for project management and $4,463,301 shall be available for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1995, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1995: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse: *Provided further, That $50,000,000 shall be solely for the purpose of carrying out section 6 of Public Law 101–590 (104 Stat. 2929) and shall be transferred within 45-days of receipt of bond proceeds: Provided further, That, once the Fish and Wildlife Service study on the fishway at Little Falls Dam is complete the Washington Aqueduct may use up to $500,000 of funds provided to it under this heading to initiate construction of modifications to the Little Falls Dam facility for the purpose of environmental restoration and improvements by providing passage for anadromous fish on the Potomac River.*

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $240,929,000, of which $40,438,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,087,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $7,168,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,353,000.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.) of which $1,742,000 shall be transferred to the general fund for the District of Columbia Courts and $35,000 shall be transferred to the Office of Cable Television: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1995, shall be transmitted to the Congress no later than April 15, 1994.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1993 shall be deemed to be the rate of pay payable for that position for September 30, 1993.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination,

the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1994, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1994 revenue estimates as of the end of the first quarter of fiscal year 1994. These estimates shall be used in the budget request for the fiscal year ending September 30, 1995. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1993" and inserting "sold before October 1, 1994".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. Sec. 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1993" and inserting "December 31, 1994".

SEC. 129. For the fiscal year ending September 30, 1994, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1993, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1994 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. (a) Up to 50 fire fighters or members of the Fire and Emergency Medical Services Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1993 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

SEC. 133. At the end of fiscal year 1994, the number of FTE's shall not exceed the number of FTE's in the approved fiscal year 1994 budget, less a 1 percent attrition rate and the actual corresponding dollar savings.

SEC. 134. (a) The Mayor shall establish a program to offer incentives for employees to accept early-out retirement. The Mayor shall report to the Council for approval of the early-out retirement program by mid-fiscal year 1994 with an actuarial study to show the District's liability for the early-out program.

(b) Notwithstanding any other provision of law, no early-out program established pursuant to this section shall be exempt from the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

[SEC. 135. (a) None of the funds provided in this Act or any other funds available to the District of Columbia shall be used for any contract to provide goods or services to or on behalf of the District of Columbia which currently are provided by employees, departments, or agencies of the District of Columbia until the Mayor submits to the Council and the Council approves revised contracting policies and procedures.

[(b) The revised contracting policies and procedures required by subsection (a) of this section shall provide that:

[(1) A cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section.

[(2) Contracting out will provide savings over the duration of the contract of at least 10 percent.]

SEC. 135. (a) None of the funds provided in this Act or any other funds available to the District of Columbia shall be used for any contract to provide goods or services to or on behalf of the District of Columbia which currently are provided by employees, departments, or agencies of the District of Columbia until the Mayor submits to the Council and the Council approves revised contracting policies and procedures.

(b) The revised contracting policies and procedures required by subsection (a) of this section shall provide that—

(1) a cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

(2) contracting out will provide savings over the duration of the contract of at least 10 percent; and

(3) any contractor who is awarded a contract that displaces District government employees shall offer comparable employment to these displaced employees at rates of wages and benefits that are comparable to the wages and benefits paid to District government employees.

[SEC. 136. (a) The Mayor shall not award the following types of contracts until after the Council has approved the proposed contract award as provided in this section:

[(1) Any contract for goods or services worth over $1,000,000 and any contract for any sum which, when added to other contracts awarded to the same contractor for the same or similar purposes within a fiscal year, exceeds $1,000,000 in contracts with the same contractor, except: (A) contracts awarded under the "competitive sealed bidding" provisions pursuant to section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, 1-1183.3); or (B) contracts to implement a Federal program where Federal law governs contracting procedures as a condition for the receipt of Federal assistance.

[(2) Any contract to provide goods or services, to or on behalf of the District of Columbia, which currently are or traditionally have been provided by employees, departments, or agencies of the District of Columbia.

[(b) Prior to the award of a contract covered by this section, the Mayor shall submit a proposed contract award to the Council. The proposed contract award shall be deemed approved 7 calendar days, excluding days of Council recess, after the proposal has been officially introduced in the Council according to its rules, unless during that time, an objection to the proposed award, by at least 3 members of the Council, is filed in the Office of the Secretary to the Council.

[(c) If an objection to the proposed contract award is filed, the proposed award shall be deemed approved 21 calendar days, excluding days of Council recess, after the proposed award was officially introduced in the Council, unless during that time, the Council adopts a resolution disapproving the proposed award.

[(d) The Council may approve or disapprove a proposed contract award by resolution prior to the expiration of the time periods provided in this section.

[(e) The approval required by this section shall be a condition precedent to the existence of a District of Columbia contract described in subsection (a) of this section. No contractor may undertake any work, and no District officer or employee may obligate or expend funds, with respect to the performance of a proposed contract prior to Council approval under this section.

[SEC. 137. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.]

SEC. 138. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

This title may be cited as the "District of Columbia Appropriations Act, 1994".

TITLE II

FISCAL YEAR 1993 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", [$15,133,000] *$15,501,000*: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1423), [$4,760,000] *$7,162,000* are rescinded for a net increase of [$10,373,000] *$8,339,000*.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1423 is repealed: "*Provided further*, That $10,200,000 of the revenues realized from the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992' shall be available for the Mayor's youth and crime initiative, but shall not be obligated or expended until the Mayor submits to the Council a plan for the allocation and use of the funds:".

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", [$1,047,000] *$6,047,000*: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1423), $10,587,000 are rescinded for a net decrease of [$9,540,000] *$4,540,000*.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $6,230,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1424), [$18,921,000] *$21,078,000* are rescinded for a net decrease of [$12,691,000] *$14,848,000*: *Provided further*, That any unspent funds remaining in the *Personal and* nonpersonal services budget of the Metropolitan Police Department at the end of fiscal year 1993 shall remain available for the exclusive use of the [Metropolitan Policy Department] *Metropolitan Police Department* for the purchase of equipment in fiscal year 1994.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", *$4,000,000 for the public schools of the District of Columbia and* $246,000, for the Education Licensure Commission: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1426), $2,270,000 for the Public Schools of the District of Columbia, $4,199,000 for the University of the District of Columbia, $964,000 for the Public Library, and $70,000 for the Commission on the Arts and Humanities are rescinded for a net decrease of [$7,257,000] *$3,257,000*.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382, 106 Stat. 1426) is repealed: "of which $2,000,000 shall be derived from revenues realized from the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992';".

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", [$70,772,000] *$81,772,000*: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1426), $2,221,000 are rescinded for a net increase of [$68,551,000] *$79,551,000*.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1427), $3,271,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest", [$19,051,000] *$11,059,000*.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1427), $5,000 are rescinded.

RESIZING

For the purpose of funding costs associated with the Temporary Appeals Panel pursuant to D.C. Law 9-47, the District of Columbia Government Merit Personnel Act of 1978 Temporary Amendment Act of 1991, $225,000.

SEVERANCE PAY

For severance pay to employees who are involuntarily separated from service as a result of reductions-in-force or reorganizations, $10,410,000.

PAY ADJUSTMENT

For pay increases and related costs to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $7,880,000.

FACILITIES RENT/LEASES

The paragraph under the heading "Facilities Rent/Leases" in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1428), is repealed: *Provided*, That the appropriation of $16,682,000 provided by that paragraph is distributed within the appropriation titles above.

FURLOUGH ADJUSTMENT

Each agency, office, and instrumentality of the District, except the District of Columbia Courts, shall furlough each employee of the respective agency, office, or instrumentality for one day in each month of the fiscal year ending September 30, 1993, or a proportionate number of hours for part-time employees. The personal services spending authority for each agency, office, and instrumentality subject to this section is reduced in an amount equal to the savings resulting from the employee furloughs required by this section, for a total reduction of $36,000,000, which is distributed within the appropriation titles above. The Council shall enact legislation to implement this section which may include but shall not be limited to procedures to ensure that public health and safety functions are carried out.

WITHIN-GRADE SALARY ADJUSTMENTS

Notwithstanding any other provision of law, no employee of any agency, office, or instrumentality of the District shall receive within-grade salary increases during the fiscal year ending September 30, 1993, and no time during the fiscal year ending September 30, 1993 shall accrue toward the waiting period for advancement to the following rate within the grade. The spending authority for each agency, office, and instrumentality is reduced in an amount equal to the savings resulting from the adjustments required by this section, for a total reduction of $13,000,000, which is distributed within the appropriation titles above.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The paragraph under the heading "Personal and Nonpersonal Services Adjustments", in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1428), is repealed: *Provided*, That the reduction of $30,798,600 required by that paragraph is distributed within the appropriation titles

above[: *Provided further*, That the Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $29,730,000, within one or several of the various appropriation headings in this Act].

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $200,000, to remain available until expended.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and Sewer Enterprise Fund", $12,717,000: *Provided*, That of the funds appropriated under this heading in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1429), $41,482,000 are rescinded for a net decrease of $28,765,000.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1429) is repealed: ", and $12,200,000 collected as payment in lieu of taxes pursuant to the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992' shall be transferred to the general fund to provide $10,200,000 for the Mayor's youth and crime initiative, and $2,000,000 for the University of the District of Columbia".

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1430) is repealed: "*Provided further*, That not to exceed $22,705,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects".

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the Lottery and Charitable Games Enterprise Fund for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1430), $270,000 are rescinded.

CABLE TELEVISION ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Cable Television Enterprise Fund", $35,000: *Provided*, That of the funds appropriated under this heading for the Cable Television Enterprise Fund for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1430), $300,000 are rescinded and transferred to the general fund for a net decrease of $265,000.

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102-382; 106 Stat. 1430), is amended by inserting after the phrase "shall be transferred to the general fund" the following: "and an additional $200,000 shall be transferred to the University of the District of Columbia".

GENERAL PROVISIONS

SEC. 201. Section 114 of the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (106 Stat. 1432) is repealed.

SEC. 202. Section 134(a)(1) of the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (106 Stat. 1435) is amended by inserting the following after the word "donation": ": *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor".

[COMPLIANCE WITH BUY AMERICAN ACT

[SEC. 203. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

[SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

[SEC. 204. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[PROHIBITION OF CONTRACTS

[SEC. 205. If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent 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 was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1993".

The PRESIDING OFFICER. Debate on the bill is limited to 1 hour.

Who yields time?

Mr. KOHL. Mr. President, I yield to Senator AKAKA, who wants to speak for 5 minutes as in morning business.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business, and that the time not be charged against debate on the bill.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1288 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I am pleased to present to the Senate today the D.C. appropriations bill for fiscal year 1994. It is a good bill and I believe it deserves the Senate's support.

Let me outline a few features of this bill.

First, the bill provides a total of $698 million in Federal funds. This amount is consistent with our allocation from the full committee and is $2 million below the House allowance and $7 million below the President's request.

Of the Federal funds provided in this bill, $631 million is for the fully authorized Federal payment. In addition, the bill contains a $52 million Federal contribution to the retirement account, and $15 million for the Mayor's crime and youth initiative. This initiative will enable the District to put additional police officers on the street and increase funding for prevention and diversionary programs for at-risk youth.

In addition to the Federal funds provided, the bill also contains $3.7 billion in D.C. funds. These funds are from revenue raised locally through various taxes, fees, and assessments on local residents and businesses. It is worth noting that the District's budget for fiscal year 1994 is $200 million below the city's budget we approved last year.

Another significant feature of this year's district budget is that it continues Mayor Kelly's efforts to reduce the size of the city government's payroll. This year's budget provides for 3,000 fewer employees in 1994 than were on the payroll in 1993.

Mr. President, I believe this bill is balanced and reasonable, and I hope that we can pass it today in relatively short order.

That being said, I understand that several Senators have indicated an interest in offering amendments to the bill. And I would like to take a minute to explain why I hope my colleagues will refrain from making significant changes to this bill.

As we all know, the District is unique among cities in America, in that its budget must be approved annually by Congress. Because of this, the District—through the years—has been subjected to more congressional scrutiny and involvement into its internal affairs than any other major metropolitan area in the country.

Clearly, some Federal oversight of the city's budget is warranted—given the Federal payment that we provide to the District and the impact of the city's decisions and finances on the Federal Government.

However, I believe we have an obligation to respect the city's right—and the right of its residents—to live under their own home rule. As Congress does not interfere with statutes enacted by municipalities across this country, so too should we not interfere with the local policy decisions of the District.

Mr. President, an important objective of the bill before us is to maintain the spirit of home rule. This bill is consistent with current law in the District. It does not interfere with the local policies of the District. It does not take sides in issues of concern to the Mayor and the City Council. This bill allows the D.C. government to

carry out its citizens' wishes and desires, as we allow other cities across the country to do.

I suspect that we will have several opportunities to debate the issue of home rule for the District as we move through this bill, so I will withhold further discussion on this subject pending the offering of specific amendments.

In closing, Mr. President, I would like to acknowledge the role of the Senator from Montana [Mr. BURNS], the ranking Republican member of the subcommittee, in shaping this bill. He has made meaningful suggestions to improve the product we bring to the floor today.

In addition, I also want to thank the other members of the subcommittee—Senator MURRAY, Senator FEINSTEIN, and Senator MACK—for their help and cooperation during the subcommittee's consideration. And, as always, I appreciate the able guidance and assistance we have been provided by both the chairman of the Appropriations Committee, Senator BYRD, and by Senator HATFIELD.

Mr. President, I yield to the Senator from Montana for any opening remarks he may wish to make.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the chairman of this subcommittee.

I also want to thank him openly for his suggestions and his efforts in crafting the fiscal year 1994 District of Columbia appropriations bill and report. This is my first year on the Committee on Appropriations and this subcommittee highlights the bipartisan nature of the full committee.

This is the third fiscal year 1994 appropriations bill that is presented to the Senate under a unanimous consent.

The D.C. bill is unusual. It is charged with controversy—abortion, domestic partners, home rule, and the temptation by many people to modify local will.

It is also unusual because it is the only regular appropriations bill we will consider this year that is balanced. The revenues generated by the people of the District equal the local expenditures in this bill.

This bill authorizes $3,775,932,000 in District funding and $698 million in Federal funding. Of this local amount, $3,337,652,000 is for operating expenses which is $107,302,000 below the amount approved in fiscal year 1993. This reduction demonstrates that progress is being made by the city's leaders to get the District's fiscal house of cards in order.

Of the $698 million in Federal funds provided, $630,603,000 is the authorized level for Federal payment; $52,070,000 is the Federal commitment to the retirement fund; and $15,327,000 is for major crime and youth initiatives.

The Federal portion is $7,101,000 below the President's fiscal year 1994 request and $2 million below that amount recommended by the other body. So I urge my colleagues to support this bill.

I thank the chairman and all members of this committee in crafting a bill which I think basically is a very good bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I suggest the absence of a quorum. I request the time on the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 36, LINES 8 THROUGH 19

Mr. BURNS. Mr. President, under the unanimous consent, all the amendments in the committee amendment have been agreed to with the exception of one, and that is the domestic partners amendment.

I ask at this time that those offering that amendment come forward and offer the amendment at this time so we could get on with the business at hand here, in agreement with the chairman of the subcommittee, if that is agreeable.

Mr. KOHL. That is agreeable.

Mr. BURNS. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I am not sure now is the proper time for me to proceed. I understand you have cut out one amendment dealing with the domestic partners issues, and at an appropriate time I will be able to move to table that amendment; is that correct?

Mr. BURNS. That is correct.

Mr. LOTT. Mr. President, I ask I be able to speak at this point in opposition to that amendment.

The PRESIDING OFFICER. If the Senator will withhold, the Chair will announce the pending question is the committee amendment on page 36, which proposes to strike lines 8 through 19 of the bill.

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise today to oppose the committee amendment which put into effect and called for implementation of the District of Columbia's Domestic Partners Act. I will take a few minutes to go into a little bit of the history and background on this amendment.

Let me again ask for clarification. I believe we will have an opportunity to defeat this amendment, vote on it up or down, rather than a motion to table? Is that the understanding of the chairman, the distinguished Senator from Wisconsin?

Mr. KOHL. We would expect an up-or-down vote.

Mr. LOTT. I thank the chairman for that clarification.

Last year, the Senate voted on this issue to prohibit the funding and implementation of the same Domestic Partners Act. The House has voted to recede to the Senate version and accept the prohibition. This year the House, in a bipartisan manner, voted overwhelmingly, 255 to 171, to maintain that prohibition. The vote in the Senate last year was 51 to 41 against this provision. Now we have a committee amendment that would lift that prohibition and ask this body to endorse the redefinition of "family," a redefinition which would greatly disturb, I believe, most Americans.

I want to repeat the history that is involved here. The Senate has already voted on this once, the full Senate. The House has voted on it twice. Yet the issue consistently keeps coming back. It is very hard to kill. I understand the District of Columbia has been very aggressive in trying to find ways to avoid this prohibition.

Majorities in both Chambers, and I believe the American people in general, oppose the implementation of this Domestic Partners Act and the redefinition of family and marriage. It would undermine the family. Instead of providing incentives for the support of the institution of marriage, it legitimizes and extends benefits to relationships outside marriage.

Mr. FORD. Mr. President, will the Senator yield without the time being charged to him?

Mr. LOTT. I am glad to yield to the Senator.

Mr. FORD. Mr. President, I do this in order to save some time. I would like to find out the parliamentary situation at this point. As I understand it, the bill was introduced, a comprehensive unanimous-consent agreement was reached, and there is an hour on the bill equally divided between the manager and ranking member. We understand that.

The Senator from Mississippi now is speaking. It is my understanding from the Parliamentarian that is being charged to the ranking member's 30 minutes, and I am not sure that is the intent of the Senator from Mississippi or the ranking member.

He has not offered an amendment and if he is speaking on the committee amendment, then we need to get the parliamentary procedure corrected.

Could the Chair help me, please?

The PRESIDING OFFICER. The Senator is correct. The parliamentary situation we find ourselves in requires that time used now be charged against the bill. That means it would have to be charged against the 1 hour that is

provided, unless there is an amendment offered from the floor. Of course, the other alternative is consent be obtained.

Mr. FORD. How much time does the Senator from Mississippi want? He is speaking against the committee amendment?

Mr. LOTT. I am speaking against the committee amendment.

Mr. FORD. The committee amendment has no time; is that correct? Except time on the bill?

The PRESIDING OFFICER. Except the time on the bill; the Senator is correct.

Mr. FORD. How much time would the Senator from Mississippi want?

Mr. LOTT. We did not get a time agreement. I do not know that there is a need for a lot of time on our side.

Mr. FORD. The time is going to run against your ranking member here, unless we do something. That is what I am trying to work out.

Mr. LOTT. Mr. President, so we can get this clarified, would it not be wise for us to have a quorum call here?

Mr. FORD. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, in order to facilitate this parliamentary position we are in, I ask unanimous consent that there be 30 minutes, equally divided, to be controlled between the manager of the bill and the ranking member, as it relates to the committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I believe I had the floor and yielded to the distinguished Senator from Kentucky. I would like to thank him.

The PRESIDING OFFICER. If the Senator will suspend. We just had a unanimous-consent agreement under which we have agreed that the ranking member and the chairman control the time. So there will have to be a yielding of the time for us to proceed. Someone will have to yield time to the Senator from Mississippi for us to proceed.

Mr. BURNS. Mr. President, I yield a full 15 minutes to the Senator from Mississippi, or under his control.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. LOTT. Mr. President, I thank the Senator. Again, let me attempt to clarify what we agreed to: A 30-minute time limit, after which there will be an up-or-down vote on the committee amendment to take out this prohibition on the Domestic Partners Act. I oppose the amendment which would take that language out and will ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. If the Senator will suspend for a moment, just so everyone is clear as to the situation we confront at this moment, the unanimous-consent agreement only extended to the question of the amount of time reserved for this amendment. There was nothing in the unanimous-consent agreement that goes to the question of whether or not there is an up-or-down vote at that moment. It could be a tabling motion; it could be an up-or-down vote.

I just want to make clear that the only part that was covered under the unanimous-consent agreement was the amount of time that was reserved for consideration of the amendment.

Mr. LOTT. Mr. President, in view of that and, again, to help clarify the issue, I ask for the yeas and nays on the committee amendment which will take out the Domestic Partners Act language.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Chair will inform the Senator from California there is no right to object on the question posed by the Senator from Mississippi.

Mrs. BOXER. I have a parliamentary inquiry. May I make that?

The PRESIDING OFFICER. The Senator may make the parliamentary inquiry.

Mrs. BOXER. If we agree on the yeas and nays, we do not have to—he has a right to that—does this Senator have the right to table?

The PRESIDING OFFICER. The Senator would have that right.

Mrs. BOXER. At any point during the debate?

The PRESIDING OFFICER. After all time has expired, the Senator would have a right to move to table.

Is there a sufficient second?

There is not a sufficient second.

Mr. LOTT. Mr. President, I think we have haggled around here enough about the procedure. I will go ahead and make my statement, and we will see what happens when we get to the end of it.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the D.C. Domestic Partners Act sends the wrong message to families of Washington, DC, and the rest of the Nation. It was passed under pressure from special interest groups, not as a result of broad support in the community. In fact, the reason I became involved in this issue in the first place is because a group of Washington ministers came to me and asked me to work against the measure. A biracial group of ministers last year were very concerned about it.

The local legislation would allow both heterosexual and homosexual couples to register with the city as domestic partners. Those who work for the District government would be able to extend health care benefits to their domestic partner. The council act would further erode the need to enter a marital commitment and would reduce the relevance of the traditional American family.

This comes at a time when our Nation is crying out for strong and stable families, ways to try to keep family units together. A consensus has emerged among social scientists and community leaders that the health of the family unit determines the overall health of our society. Our educators, business community, social service and law enforcement agencies, and churches all cite that family is the key to all the societal problems we now face.

From a public policy point of view, we can pass emergency supplemental appropriations, increase our police forces, create innovative educational programs, but if our homes are not in order, we will never succeed. The public policy decisions we make should, more than anything else, support and undergird a strong family unit. They should provide incentives for marriage and commitment. Unfortunately, our policies have failed to do this. In fact, we have promoted policies that discourage performance, commitment, and responsibility. Now we are reaping the consequences.

A destructive, vicious cycle has developed over the past 25 years as we witnessed a steady deterioration of the family, a record divorce rate, children born out of wedlock and in poverty. We witness the manifestations every day with violent crime, drugs, educational failure, and a fragmented Nation.

We must begin to take a stand for the family. We must make the difficult moral decisions of right and wrong. We must reach the conclusion, based on evidence and moral precepts, that all lifestyles are not equal, that the institution of marriage is preferable and superior, and our policies should reflect that conclusion and its moral imperative.

I want to emphasize this is not an issue that just affects the District of Columbia.

This is not something that is limited to just here because it can affect the State of Virginia. People who are not citizens of the District of Columbia could come here, register their relationship, receive this designation and then go back and use the legal recognition to challenge the family and estate laws of other States.

What would its ramifications be? There is a lot of legal and judicial question about how this Domestic Partners Act will work.

And what about the families that are together? Would this act discriminate against married couples? What about the mother of children who works for the city, has a husband? She is not eligible for this.

There are those who might say, "Well, this is something that really should be left up to the District of Columbia." Yet, we have previously acted when other States may be affected by D.C. actions. So there is nothing new about this. We have done it in terms of gun control. We had the Shelby amendment last year on this same bill. Where there is a national issue or where there is a broader financial or overriding moral issue, we have spoken before.

So I urge my colleagues to oppose this committee amendment. Remember how we voted last year. Remember how the House has voted twice on this issue.

I reserve the remainder of my time so we can hear some of the other debate and continue to pursue this issue.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I want everyone to understand what the issue before us is and what I believe it is not. The issue is, in my view, simply home rule, nothing more, nothing less. The District has decided, either wisely or foolishly, to allow city employees to get insurance coverage for their domestic partners. That was their decision to make. They debated it openly, and they decided it lawfully. We may like it, we may not like it, but we ought to respect it, and that is what home rule requires.

Under home rule we are supposed to get out of the business of micromanaging the District. Under home rule we are supposed to look at the laws that the District passes. If those laws violate the Constitution or impinge in some way on the operation of the Federal Government, we can and we should overturn them. But if those laws are simply ones that we do not like, if they offend our sensibilities or are inconsistent with our own policy preferences, the right response is not to invalidate or veto them. The right response is simply to deny the District the ability to use Federal funds to implement or to enforce them.

That option recognizes that in some cases we do not want to give a Federal seal of approval to District decisions, but it also recognizes the right of the District to make those decisions. But that is not the option which the Senator from Mississippi has chosen. He has chosen to overturn a lawfully developed policy of the District. I cannot support that. And if the Senate cares about home rule, a policy that it approved, it will not support it either.

If the Senator from Mississippi wanted simply to deny the District the right to use Federal funds to implement their policy, I could support it; in fact, I would support it. But that is not the issue before us. The issue is just home rule, nothing more, nothing less.

There are other cities which have domestic partner laws. I look at the members of the District of Columbia Appropriations Subcommittee and I see Senator MURRAY. The city of Seattle, in her State, has a similar law.

I see Senator FEINSTEIN. In her State, the cities of San Francisco, Berkeley, and Santa Cruz have similar laws.

In my own State of Wisconsin, the city of Madison has a similar law. And so do dozens of other cities in other States. Local jurisdictions are not alone in dealing with this issue. Businesses have also considered this issue.

In an effort to adapt to the needs of their workers, a number of companies have policies which cover domestic partners. Home Box Office has a policy which allows workers to cover domestic partners under their insurance policy. So does Levi Strauss. So does Ben & Jerry's Homemade Ice Cream, Lotus Development, Borland International, MCA/Universal and Time/Warner.

Now, no one has introduced legislation to make the laws of those localities or the policies of those businesses illegal. But we do it when it comes to the District.

My point, Mr. President, is simply that we should not.

Again, home rule gives us a perfect recourse. When the District adopts policies we personally do not favor, we can and should deny them Federal funds to implement those policies. Home rule means we do not have the right—even though we have the ability—to invalidate the laws we do not like.

The denial of Federal funds makes a symbolic statement. It says the Federal Government does not endorse the policies of the District. Invalidating laws, however, makes a different statement. It says that the District Government is exercising its power at the pleasure of the Congress rather than its own citizens, and that, Mr. President, is not consistent with home rule.

I rest my case.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I yield to the Senator from Washington.

The PRESIDING OFFICER. Does the Senator yield time to the Senator from Washington?

Mr. KOHL. Five minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague for yielding me time. I thank him also for his words on this issue.

He is exactly right. This is an issue of home rule.

I urge my colleagues to support the committee amendment, to vote yes on this amendment, to do as the committee wisely did and to remain silent on the District of Columbia's 1992 Health Care Benefits Expansion Act. A vote yes will say that this Senate will remain silent on that issue. The District of Columbia debated the issue on its own. They decided how their own funds would be spent, and this Senate has to make sure that we do not have 100 mayors of the District of Columbia but, rather, allow them to use their funds as they see fit.

I think it is very important for all of us to understand that this issue affects a far greater population than often is debated on this floor. In fact, the District of Columbia's 1992 Health Care Benefits Expansion Act, which would be effectively eliminated if we voted no on this issue, helps women. It helps women who are heads of families, who make up the majority of families in the District and in this Nation. It will help women who take care of extended families in the District in the African-American, Latino and Asian-American communities.

The District Health Care Benefits Act helps seniors—for two widows who live together and care for each other. That is why that law was put into effect. Otherwise, one of those widows may end up in a nursing home costing all of us because there is no one to care for them. Two elderly sisters, a brother and a sister are helped by this act, caring for each other.

Is that not why all of us are here, so that we can allow families to stay at home and live independently and care for each other. That is what the District of Columbia's 1992 Health Care Benefits Expansion Act was all about and why we as a Senate should remain silent on this issue.

In fact, when the D.C. legislation was passed, it was supported by a number of groups: The District Gray Panthers, the National Council of Senior Citizens, the District Women's Legal Defense Fund, AFL-CIO Metropolitan Washington Council, District of Columbia Nurses Association, District Bar Section on Criminal Law and Individual Rights, Concerned Clergy of Washington, DC, the Washington offices of the Presbyterian Church, United Methodist Church, United Church of Christ, the Christian Church, Church Women United, Friends Committee on National Legislation, Union of American Hebrew Congregations, and many others.

This issue was debated fully by the D.C. Council and approved by them, and we cannot act as overseers of the decisions made on the D.C. Council and take away their home rule. But even

more importantly, we have to remember that this issue goes right to the heart of what many senior citizens and women are living with today, being able to care for the people they love without being hurt by laws in the United States.

I urge my colleagues to vote yes and to be silent on this issue in the D.C. appropriations legislation.

I thank the Chair.

Mr. KOHL. I thank the Senator from Washington.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I ask the Senator to yield me 5 minutes.

Mr. KOHL. I yield to the Senator from California [Mrs. BOXER] 4 minutes.

Mrs. BOXER. Four minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Mrs. BOXER. Mr. President, I urge support of the committee amendment. I think it is very important because it is about home rule. That is what we are considering.

I say to the good Senator from Mississippi, who raises this issue, that if a Senator got up on this Senate floor and tried to tell Jackson, MS, what to do, tried to tell the local elected officials there what to do, he would be justifiably outraged, I believe, just as I would be if a Senator got up on this floor and tried to tell the city council of any one of my hundreds of cities in California what to do, if they tried to tell Los Angeles, or Fresno, or San Diego, or San Francisco, or Sacramento what to do. Those people elect people at the local level, and they want them to enact the laws. Therefore, I think any Senator who believes in the right of their cities and their counties to pass and make laws should support this committee amendment.

We are really saying to keep Big Brother out of our lives here. I find it very interesting that we have members of the other side of the aisle who constantly talk about how Big Brother interferes in local politics supporting the right of the Senate to interfere in the local laws of the District of Columbia.

In my opinion, this is about families. As has been pointed out, we have in the District of Columbia many single mothers with extended family relatives living in the home. When we move to get ourselves involved in telling people what they can or cannot do in that extended family situation—many times those are very important relationships—I think we make a mistake.

What do the ministers think? Many more ministers support this domestic partners legislation in the District of Columbia than oppose it, and they do so on religious grounds as well as on home rule grounds. Even those ministers who oppose missing partners say the Senate of the United States and the Congress should stay out of this issue and let it be decided at the local level. It is very patronizing to tell the city council what to do. I do not think we have the right to do that.

We are really talking about a basic democratic issue, Mr. President, the right of people to elect local officials and for those local officials to make the rules. We do not have to agree with every single thing they have done. I happen to agree with them on this. Perhaps other Senators do not. That is not the issue.

The D.C. law enjoys wide community support from the Gray Panthers to the Women's Legal Defense Fund, from the AFL-CIO to the District Bar Section on Criminal Law and Individual Rights, from the United Church of Christ to the Union of American Hebrew Congregations, and the Mid-Atlantic Council. There is much support for this law.

I should point out that this law saves us money by providing access to insurance. The District law complements our health care reform initiatives by cutting down on the use of emergency rooms and lowering health care costs.

So I say to my colleagues who may be listening to this debate, please, think about what we are about to do if the Senator from Mississippi prevails. We will be sticking our nose into home rule. What is the next thing that is going to happen? Someone is going to get up on this Senate floor and attack one of the city councils in your State, and I can assure you we do not want to see that happen.

I thank the Senator for yielding to me, and I reserve the remainder of my time or give it back to the Senator.

Mr. LOTT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes, 6 seconds.

Mr. LOTT. Mr. President, how much time is left on the other side?

The PRESIDING OFFICER. Three minutes, six seconds.

Mr. LOTT. Mr. President, first of all, with regard to the home rule question, this is the District of Columbia, but it is also our Nation's Capital. It is a fact that what happens here goes way beyond just the city of the District of Columbia. It does affect our entire Nation. We put a lot of money into this city and there are very serious legal questions that are raised by this policy. This is a new policy that does not just affect the District of Columbia. It could very well affect Wisconsin, North Carolina, Nevada, and any other State.

So this is a case where there is serious justification for looking at the impact beyond just the District of Columbia. But I will say this, too. When you have an issue of this magnitude that sets a new policy involving health benefits and also the family unit, this goes way beyond the District of Columbia. This is one more step in a process to try to get the American people to not only accept but pay for a lifestyle that they do not approve of and cannot agree with.

Second point: The D.C. Domestic Act is not about the expansion of health benefits. Of the 38,000 full-time D.C. city employees, only 3,500 would be eligible. Of that 3,500, the District government estimates that only 50 to 100 would actually receive health benefits as a result of the Domestic Partners Act.

So it is something much broader than making these health benefits available that is involved with this issue. The bill is intended as a means to officially recognize and sanction homosexual unions and cohabitation outside of marriage. The Domestic Partners Act came as a direct result of a D.C. judge's decision not to grant a marriage license to homosexual couples. That is the history on this legislation in the District of Columbia.

The D.C. bill would not truly expand health care access but it would increase premiums by 15 to 20 percent. This is according to testimony provided by health care insurers operating in the District of Columbia.

In summary, this act has nothing to do with health care and everything to do with redefinition of family. It is about normalizing instability and changing the family unit. The Domestic Partners Act provides new incentives, extends benefits, recognition and legal status to homosexuals and heterosexuals outside a traditional form of marriage.

I want to emphasize again a point that I made a while ago. As a health benefit extension plan for D.C. employees, the act discriminates against married couples and may actually violate the equal protection clause of the Constitution. To the extent that the act is extended to health benefits to D.C. employees, it is ambiguous and lacks a rational basis, and in the case that I mentioned earlier, you could actually have an unmarried mother form a domestic partnership with her unemployed adult child and thus extend health care coverage to the child. A married mother could not do that.

Is this the kind of thing we want to start, not only in the District of Columbia, but, yes, in Jackson, MS, and San Francisco, CA? This is a policy that goes way beyond home rule and way beyond this city, our Nation's Capital. This is a new policy that will have much broader ramifications.

So I urge my colleagues, look at this again. Remember how you voted last year. You got it right last year. But under this convoluted process, I want to make sure you understand that you need to vote "no" on this committee amendment which would strike this prohibition out.

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The time will be charged against the time of the Senator from Montana.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, this is the time I had thought perhaps there might be other Members who would want to speak on this issue. But we have not heard from them. They are not on the floor now. I am prepared to go ahead and vote. I would ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Montana has 5 minutes 20 seconds remaining.

Mr. BURNS. Mr. President, I yield myself about 1 minute. I want to yield the remainder of the time over to my colleague from Wisconsin.

With regard to home rule, and this issue, we have to remember that the House of Representatives with an amendment voted to strike this domestic partners by 253 to 167. If we want to say we have 100 mayors over here on this side, we have 435 on the other side in the House who see the merits. Of course, when we talk about these kinds of situations, we are talking about a Congress that has to oversight every budget here in the District of Columbia. We start talking about health benefits, we are talking about oversight and costing American taxpayers not just here in the District of Columbia but taxpayers across the country.

So I would urge that we would support the Senator from Mississippi in his endeavor.

I yield the floor. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I would like to make it clear for my colleagues who will be shortly voting on this issue that if you want to preserve D.C.'s domestic partners laws, you vote "aye" on the committee amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded.

The pending question, therefore, is on agreeing to the committee amendment on page 36 which proposes to strike lines 8 through 19.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—43

Akaka	Graham	Moynihan
Biden	Hatfield	Murray
Boren	Inouye	Packwood
Boxer	Jeffords	Pell
Breaux	Kennedy	Reid
Campbell	Kerrey	Riegle
Chafee	Kerry	Robb
Cohen	Kohl	Rockefeller
D'Amato	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dodd	Levin	Specter
Feingold	Metzenbaum	Wellstone
Feinstein	Mikulski	Wofford
Glenn	Mitchell	
Gorton	Moseley-Braun	

NAYS—55

Baucus	Durenberger	Mathews
Bennett	Exon	McCain
Bingaman	Faircloth	McConnell
Bond	Ford	Murkowski
Brown	Gramm	Nickles
Bryan	Grassley	Nunn
Bumpers	Gregg	Pressler
Burns	Hatch	Pryor
Byrd	Heflin	Roth
Coats	Helms	Sasser
Cochran	Hollings	Shelby
Conrad	Hutchison	Simpson
Coverdell	Johnston	Smith
Craig	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
DeConcini	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	
Dorgan	Mack	

NOT VOTING—2

Bradley	Harkin

So the committee amendment on page 36, lines 8–19, was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the committee amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire, [Mr. GREGG].

AMENDMENT NO. 693

(Purpose: To strike provisions relating to displaced District government employees)

Mr. GREGG. Mr. President, pursuant to a unanimous-consent agreement, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 693.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mrs. BOXER. Reserving the right to object, I want to know, under the rules, what the subject is of the amendment of the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Without taking from my time, if I could respond to the Senator from California, the subject of this amendment involves language in the bill which requires independent contractors with the city who have taken on a project which involves taking over some activity which the city is presently doing, to hire city employees who would be displaced by the independent contractor.

Mrs. BOXER. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the reading is dispensed with.

The amendment is as follows:

On page 34, line 2, strike beginning with the semicolon through line 10 and insert the following; "; and

"(2) contracting out will provide savings over the duration of the contract of at least 10 percent.".

The PRESIDING OFFICER. Under the previous order, 30 minutes of time is allocated on debate on this amendment to be divided in the normal manner.

Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself such time as I may consume.

This amendment, as I mentioned to the Senator from California, is directed at language in the bill which basically requires a contractor who is awarded a contract with the city to hire the displaced employees of the city whose jobs might be eliminated or in some other way terminated because the contractor was coming in to undertake the activities which those employees were presently undertaking themselves.

The issue, really, is an issue of featherbedding. The language as drafted in the bill is classic featherbedding language. It says when the city is trying to downsize its payroll and it goes out into the private sector to hire private sector individuals to undertake activities which the city is presently doing because those private sector individuals can do a better job, even though it has hired outside private contractors those private contractors must find jobs for the displaced city employees. That is featherbedding by definition and is really inappropriate in trying to manage any type of activity, but especially activity in a municipality which is under such strain as the city of Washington.

The chairman of the subcommittee in discussing the purposes of this bill talked about the fact that the Mayor of the city is working very hard to reduce

the city's payroll. But with language like this it will be very difficult for the Mayor to reduce the city's payroll. They may reduce the payroll but they will end up paying the same price because they will have transferred those employees onto the private contractor's back to carry.

The argument has been made that we should not get into this area because it is home rule. To begin with, this is a little different than most of the language which is in this bill. This is not statutory language for the city of the District of Columbia. This has not been put into law by the District of Columbia. This is an offer of their budget proposal. It is an offer which the Mayor did not support. In fact the Mayor rejected this when it was put forward by the council, but the council has included it in this budget proposal.

More important, what we have here at risk are our tax dollars, tax dollars not only that are raised in the District of Columbia but tax dollars that are raised throughout the country that go to support the District of Columbia. I am sure the people of the District of Columbia and the people from across the country would like to see those tax dollars used most efficiently.

It is not efficient to include language which requires, when you go out and contract with an independent contractor to do a function that the city government feels can be done more efficiently by an independent contractor, that independent contractor must, as a cost of doing business with the city, hire the employees which would be displaced in an attempt to create more efficiency in city government.

You are never going to get from here to there if your goal is to get from an inefficient government to an efficient government if you have this type of featherbedding language.

I also note the language in this section of the bill was eliminated in the House bill so my amendment conforms the Senate bill with the House bill.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. KOHL. Mr. President, I rise in opposition to the amendment of the Senator from New Hampshire. The Senator from New Hampshire seeks to strike a provision that was included in the budget by the District Council over the objections of the Mayor. This is purely and simply a home rule argument.

His argument is not with our action but with the city council's. We may not agree with it but they have a right, just as does the State of New Hampshire or the State of Wisconsin, to make their own laws without us nitpicking every time they do. The Senator from New Hampshire apparently does not want displaced District employees to have the same ability to get a job with a contractor as do displaced Federal workers.

According to the authors of the book "Reinventing Government," Federal contractors are required to give displaced Federal workers first crack at job openings. The authors further note that careful studies indicate that wages paid by governments and private contractors are, on the average, fairly comparable. Contractors can be required to provide comparable wages and benefits, and to promote affirmative action, for example. This is important if the values we embrace through our Government are not to be lost when those governments use competitive contracts.

At the appropriate time I will move to table the amendment of the Senator and hope other Senators will support that motion.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 11 minutes remaining.

Mr. GREGG. Mr. President, let me address the issue of home rule, because I really think that is a red herring on this amendment. If the District Council wants to put this in place, they can do it by District statute—by creating a District statute. We are not talking about a District statute here. We are talking, by passing this bill as it is presently structured with this language in it, of federalizing the District language which is different, subtly but substantively different, from overruling a statutory city ordinance.

Second, it is pretty clear under the Constitution that we do have some obligation as a Congress for the District of Columbia. Let me just read the language of article I, section 8, paragraph 17 of the U.S. Constitution. It says in the powers of the Congress:

> To exercise exclusive Legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by Cession of particular States, and Acceptance of Congress, become the Seat of the Government of the United States.

If I may reinforce, it says "exercise exclusive Legislation in all cases whatsoever."

We have over the years developed an attitude that, OK, let us allow as much home rule as we can. I think that is appropriate. I think it is very appropriate in many of the instances that have already been cited. But this is not that type of issue. This is the federalizing of a local initiative.

When the statement is made this is like the Federal law, it is not like the Federal law. At least I do not believe it is like the Federal law. Because the proposed language of this is, "employers shall offer comparable employment." In other words, the contractor that displaces District government employees shall offer comparable employment.

There is no flexibility here. It is not an option. You do not say to the person, you have to find a job, and I will offer you this job. If you want this job, you can take this job. No, that is not the language at all.

The language is the employee who is going to be displaced has a right to a job with the private contractor.

I do not think this is good policy, and I think it would be a major mistake for this body to endorse this policy.

The House did not think it was a good policy. They eliminated this language. There are a lot of areas where we as a body are going to want to address issues that arise in the District of Columbia. Clearly, I think this is one of them, because what we are doing is federalizing featherbedding language, and we are creating an inefficiency in the city government which is going to cost not only the taxpayers of the District of Columbia a lot of money, it is going to cost our taxpayers back home a lot of money because they are going to be hiring a lot of people who would not otherwise be hired because of the terms of the language.

So I do think that in this instance where, No. 1, this is not a law in the city of the District of Columbia; No. 2, the House has already rejected this language because they recognize it is inappropriate; and No. 3, what we are putting at risk are tax dollars that come from across the country to fund these jobs which are not necessary and underwrite this featherbedding, for those reasons, we should reject this language and delete this section of the act.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, again, I would like to make it very clear that this is a matter of local interest only. There is no Federal issue involved. This language was passed unanimously twice and included in the District's fiscal year 1994 budget by the District council the second time, over the veto of the mayor.

I think we have to recognize that what we want to do here is micromanage the way in which they do their business in the District.

Mr. GREGG. Will the Senator yield?

Mr. KOHL. This is not a Federal issue; this is a local issue.

Mr. GREGG. Will the Senator from Wisconsin yield?

Mr. KOHL. Certainly.

Mr. GREGG. Mr. President, at what point do we cross the line? Let me ask, if the District of Columbia instituted gambling in the form of Las Vegas, would it then be appropriate for the

Congress to step in and say, "Hey, this is something we should not allow?"

Mr. KOHL. The Senator is right; there is a question of judgment. My judgment is that if they want to do something like this, it is not that serious for us to say we are going to step in and overturn something they want to do. It is a question of degree.

I think I would agree with the Senator; if they wanted to put a casino 3 blocks from here, I probably would want to step in as it not being in the best interest of our country because the seat of Government is here.

But this does not approach that in terms of degree. If we are prepared, in my opinion, to step in and overturn a council's decision of this sort, then we can make the argument that we can step in and overturn almost anything, and then the idea of home rule goes right by the boards.

Mr. GREGG. Mr. President, if I can ask the Senator from Wisconsin a further question; will he entertain a further question? If we are not going to allow gambling casinos because we think that would attack the character of the city, at what point do we say to the city: You are spending tax dollars that are not only raised locally but are raised nationally, and you should be responsible for those tax dollars; is there any instance in which we can do that?

Mr. KOHL. Mr. President, that line of reasoning, as you know, would apply to everything because virtually everything involves money. So if you say: You are spending Federal dollars so, therefore, we have a right to step in, that line of reasoning will take us into the management of virtually every part of the District of Columbia.

Mr. GREGG. If I might ask the Senator from Wisconsin a further question, if the District of Columbia has not yet passed a law, if it is just making a budget submission, by endorsing that budget submission with a Federal statute, are we not basically federalizing local activity?

Mr. KOHL. Mr. President, as you know, there is a Federal statute that does cover this. The Federal statute, as I said in my statement, that covers this says Federal contractors are required to give displaced Federal workers first crack at job openings. We are not cracking brandnew ground here. This is not a whole new situation that we are creating.

But, again, I make the point to my colleague from New Hampshire, I think we can reasonably argue that while we may disagree on this, that the decision should be left to the people of the District.

Mr. GREGG. If the Senator from Wisconsin is finished, I would like to reclaim my time.

Mr. KOHL. I would like to make one other point. The District of Columbia has a lottery. We prohibit the use of Federal funds to operate it. The District of Columbia has a lottery, but we have decided to prohibit the use of Federal funds to operate it. I just wanted to make that point.

Mr. GREGG. If I might proceed.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. How much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. GREGG. Mr. President, I think the point that the D.C. lottery is not sanctioned by the Federal Government is a good example of the Federal Government making a decision and this Congress making a decision that there are areas that we should step into and take charge. I cannot think of a better area to step into and take charge of, or at least express our viewpoint on, than one which spends taxpayers' dollars in what amounts to a featherbedding activity.

The fact that the House has already taken this position; the fact that we are not dealing here with a District of Columbia law—this is not overturning a District of Columbia law. I think that is an important point; it is a substantive one. We are taking an action which eliminates from their budget request language which would federalize a local action. But we are not overruling a District of Columbia statute.

The fact is that this really is a giant step further down the road of featherbedding than the Federal law, which really is not that at all. The Federal law says you have the option. It says you make the offer; you try to make it available. If it is available, and if the person qualifies, then the person has the first crack at it. That is really preference, and it is a reasonable preference proposal.

This is not preference. This says that the contractor—let me read it:

> Any contractor who is awarded a contract that displaces a District government employee shall offer comparable employment.

I do not know how you get to what is the goal that the chairman of the subcommittee, I think, so appropriately cited, which is the goal of assisting the Mayor of this city in being able to control the city payroll in order to try to downsize it and get some control over her costs. I do not know how you can be successful in giving her that support if you are going to federalize language, such as this, in this budget submission.

So I hope that people will oppose the motion to table and that they will support an elimination of this language which brings this bill into conformity with the House language and is totally appropriate, in an attempt to give the Mayor the flexibility to contract out and not be subjected to featherbedding.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I am prepared to yield back the remainder of my time if the Senator from New Hampshire is prepared.

Mr. GREGG. I yield back the remainder of my time.

Mr. KOHL. I yield back the remainder of my time. I move to table the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. All time having been yielded back, the motion to table has been made. The yeas and nays have not been ordered.

Mr. KOHL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

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

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—38

Akaka	Graham	Moseley-Braun
Baucus	Harkin	Moynihan
Biden	Hollings	Murray
Boren	Inouye	Pell
Boxer	Jeffords	Riegle
Byrd	Kennedy	Robb
Campbell	Kohl	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Feingold	Levin	Simon
Feinstein	Metzenbaum	Wellstone
Ford	Mikulski	Wofford
Glenn	Mitchell	

NAYS—61

Bennett	Durenberger	Mathews
Bingaman	Exon	McCain
Bond	Faircloth	McConnell
Breaux	Gorton	Murkowski
Brown	Gramm	Nickles
Bryan	Grassley	Nunn
Bumpers	Gregg	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Pryor
Coats	Heflin	Reid
Cochran	Helms	Roth
Cohen	Hutchison	Shelby
Conrad	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Specter
D'Amato	Kerrey	Stevens
Danforth	Kerry	Thurmond
Daschle	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	
Dorgan	Mack	

NOT VOTING—1

Bradley

So the motion to lay on the table the amendment (No. 693) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. BOXER). The Chair advises that the

yeas and nays have been ordered on the underlying amendment.

Mr. GREGG. Madam President, I ask unanimous consent that the yeas and nays be vitiated.

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

The amendment (No. 693) is agreed to without objection.

Mr. GREGG. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, has the underlying amendment now been agreed to?

The PRESIDING OFFICER. Yes, that is correct.

Mr. MITCHELL. The amendment has been agreed to, and the motion to reconsider the underlying amendment has been laid upon the table?

The PRESIDING OFFICER. That is correct.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I now ask unanimous consent that upon the disposition of the pending bill, the Senate proceed to consideration of H.R. 2519, the Commerce, Justice, State, Judiciary appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 694

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 694.

At the appropriate place, insert the following:

"The Mayor of the District of Columbia shall report back to the Congress within 90 days on the status of construction of a new Federal prison in the District of Columbia as previously authorized by Congress."

Mr. WARNER. Madam President, during the period I have been privileged to serve in this Chamber, I worked for several years on getting the authorization and the appropriations for the purpose of constructing a new Federal prison on land in the District of Columbia. This has been a long, long battle in this Chamber over a period of several years. And it occurred to me that this Senator and a number of others who have worked on this project throughout the years have not been informed either from the officials of the District of Columbia or, indeed, by other means as to the status of this project.

During the course of this day I made inquiry to a number of individuals and learned that the moneys that were authorized and appropriated were apparently taken back as part of a budget operation here recently. I wish I could better inform my colleagues, but it appears to me that as a consequence of the District of Columbia's not coming forward and designating a site and availing themselves of the opportunity to build a new prison, the Congress may now have removed these funds. This news I received with considerable disappointment because I and many others have worked for a long, long time to get the authorization and the appropriation.

We left it up to this government here in the Nation's Capital to follow the directions of the Congress, to work with the executive branch—primarily the Bureau of Prisons—to build a badly—I underline "badly"—needed facility. I am not prepared—speaking for myself—to accept the argument that there is no land within the perimeters of the Nation's Capital on which this facility could have been built—as a matter of fact, been built and in operation today.

As a consequence, the prison population of the Nation's Capital is now being exported to outlying jurisdictions in other States. I am not here to demagog and repeat the old debate in this Chamber, and primarily in the House, about the Lorton Prison facility in Virginia, which accepts a very considerable number of the prisoners that overflow from the Nation's Capital. I am not here to debate that.

I am here simply to debate how this decision was handled by the D.C. government and what is the status today and if this program has been abandoned, which I judge from the fact that the District did not come in to intervene—and I do not have all of the facts, but I will get them—to prevent the removal of this money from an existing budget. That indicates to me that it looked like an easy escape route to get around this decision which has been troubling the D.C. government for some several years.

So it is just a straightforward, simple request to the Mayor and the chief executive officer of the District of Columbia to come forward and report to the Congress on the status of that project.

If, in fact, that money has been returned to the Treasury, if, in fact, it was never requested by the District of Columbia for the use of this specific purpose, I hope that report contains a satisfactory explanation.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 694) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 695

(Purpose: To clarify and strengthen the prohibition on the use of funds to promote D.C. statehood)

Mr. WARNER. Madam President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. NICKLES, proposes an amendment numbered 695.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 4, line 20, before the period insert "*: Provided further*, That the District of Columbia shall identify the sources of funding for admission to statehood from its own locally generated revenues".

Mr. NICKLES. Madam President, included in the D.C. appropriations bill for fiscal year 1994 is funding for the District of Columbia Statehood Commission. While I believe the District is free to use their local funds for this purpose, we certainly should not be asking the Federal taxpayers to pick up the tab. The amendment I am offering today, along with existing bill language, ensures that U.S. taxpayers from parts outside the District will not be footing the bill for this Commission. I must state that I do not support the District's decision to fund this Commission in light of the fiscal difficulties it faces.

Recommending funding for the District of Columbia Statehood Commission is not a regular occurrence. We have not had this request or recommendation for funding since we passed the District of Columbia funding bill for fiscal year 1989. The amendment I offer today restores language included in that fiscal year 1989 legislation creating safeguards that keep the District government from expending Federal funds to promote statehood.

This amendment simply says that District government must use only locally raised revenue to fund activities of the District of Columbia Statehood Commission and must identify sources of funding for admission to statehood.

I will ask to have printed in the RECORD an April 9, 1993, editorial from the Washington Post that outlines my worries about using tax dollars to promote statehood.

I truly believe that the District government could find better uses for this money than funding the Statehood Commission. I agree with the editorial's assertion that private funding for these programs makes more sense in a time when the District faces substantial budget woes.

As governments face budget crises throughout the country, it is imperative that every dollar be spent wisely and accountably. The amendment I offer seeks to ensure that funds spent on the District of Columbia Statehood Commission are not Federal dollars and are accounted for properly.

I ask unanimous consent that the April 9 Washington Post editorial that I referred to earlier be printed in the RECORD.

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

[From the Washington Post, Apr. 9, 1993]

TAX DOLLARS TO PUSH FOR STATEHOOD?

It's confusing enough, but at least it hasn't been costing the taxpayers any money: The District of Columbia elects three people who then call themselves "U.S. Senator" (there are two) and "U.S. Representative." Their job, loosely defined, is to press the cause of statehood. That's a legitimate pursuit, even though the current "representative" boasts that—ostensibly to protest against statelessness—he hasn't paid his taxes in years. No matter, the most effective elected local official pressing for statehood is someone else; D.C. Del. Eleanor Holmes Norton, who also happens to be an official if not fully privileged member of the U.S. Congress.

So far, the three lobbyists have been denied access to D.C. tax dollars for their operations. But now—just when budget troubles are forcing job cuts, curbing government services throughout the agencies and threatening to break the city government with unfunded pension liabilities in the future—Mayor Kelly seeks money in the budget for a statehood commission, Worsestill, the D.C. Council goes along with it: $100,000 for what's left of this fiscal year and another $200,000 for the fiscal year that starts Oct. 1.

By municipal standards, this isn't any back-breaking amount. And the proposal for a commission of volunteers from every ward is fine. The idea is to convene seminars and get out videos and literature about statehood. But why can't private organizations pick up this tab? Why should a sorely strapped government use its funds for these activities? Why not let the good offices of Mrs. Norton lead the charge with volunteers welcomed and directed to constructive assignments? The last thing residents need at this point is the start of another bureaucracy that surely wouldn't disappear—and more likely would expand in time.

Mr. WARNER. Madam President, this is an amendment submitted by the Senator from Oklahoma. As I understand, it has been cleared by the majority. If that be the case, I ask that the amendment be agreed to.

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

The amendment (No. 695) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 696

(Purpose: To make amendments to the congressional charter for Group Hospitalization and Medical Services)

Mr. KOHL. Madam President, I send an amendment to the desk on behalf of Senator NUNN and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. NUNN, proposes an amendment numbered 696.

Mr. KOHL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES.

(a) LEGAL DOMICILE.—The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (referred to as "the Act"), is amended by adding at the end thereof the following: "The District of Columbia shall be the legal domicile of the corporation.".

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 5 of the Act is amended to read as follows:

"SEC. 5. The corporation shall be licensed and regulated by the District of Columbia in accordance with the laws and regulations of the District of Columbia.".

(2) REPEAL.—The Act is amended by striking section 7.

(c) REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION.—The Act (as amended by subsection (b)) is amended by inserting after section 6 the following new section:

"SEC. 7. The corporation shall reimburse the District of Columbia for the costs of insurance regulation (including financial and market conduct examinations) of the corporation and its affiliates and subsidiaries by the District of Columbia.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. NUNN. Madam President, I rise to offer a bill which will amend chapter 698 of Public Law 395, as amended, which is the Congressional Charter for Group Hospitalization and Medical Services, Inc., the Blue Cross and Blue Shield Plan located in the District of Columbia.

This bill is identical to a bill I introduced in the 102d Congress, S. 3092, which was enacted into law as part of the District of Columbia 1992 supplemental appropriations and rescissions and 1993 appropriations (Public Law 102-382—October 5, 1992). That legislation brought Group Hospitalization and Medical Services under the full regulatory authority of the insurance department of the District of Columbia. Unfortunately, that section of the law, section 137(d), calls for the provision to expire on September 30, 1993, making it necessary for the Congress to once again act. I am hopeful that this time, however, the Congress will make these changes permanent.

Madam President, since that time, on January 26 and 27 of this year, the Permanent Subcommittee on Investigations, of which I am chairman, of the Committee on Governmental Affairs, held investigative hearings relative to Group Hospitalization and Medical Services, Inc. The subcommittee heard testimony from a variety of witnesses, learning of management excesses and faulty business practices that may have been avoided had that Blue Cross and Blue Shield Plan been properly regulated by the District of Columbia. As we learned last year, the Congress had, in 1939, specifically exempted Group Hospitalization and Medical Services, Inc., from the insurance laws and regulations of the District of Columbia.

So, today I again introduce legislation to correct a problem whose scope is beyond the capability of any State, because the venue rests in the District of Columbia. Congress must act to permanently correct its own oversight, an oversight that was not foreseen in 1939, when the Congress chartered Group Hospitalization, Inc., the predecessor of the District of Columbia's Blue Cross and Blue Shield Plan, now known as Group Hospitalization and Medical Services, Inc. The 76th Congress, in Group Hospitalization's enabling legislation, exempted the corporation from the vast majority of the District's insurance regulation. Since then, and especially in the mid to late 1980's, the corporation grew, surely beyond anything that could have been envisioned in 1939.

Madam President, this piece of legislation is very simple and straightforward, and makes permanent what was already done just last year. It establishes the District of Columbia as the legal domicile for Group Hospitalization and Medical Services, Inc. It requires that the corporation be licensed in, and regulated by, the laws

and regulations of the District of Columbia. It strikes article 7 of the charter, which exempted the corporation from regulation by the District of Columbia insurance commissioner, and it requires that the corporation reimburse the District of Columbia for the cost of examination and audit of the corporation, a standard requirement of the States in the regulation of this industry.

This legislation has been in place since October 5, 1992. The corporation, Group Hospitalization and Medical Services, Inc., and the government of the District of Columbia—specifically the Department of Insurance—have been operating under the statute since then. I believe the consumers, the Government, and the corporation have been better served by these changes to the congressional charter. I wholeheartedly feel that Congress must act now to make these changes permanent for the continued protection of the citizens who are served by this Blue Cross and Blue Shield Plan.

This bill addresses such a narrow, undisputed, and critically dangerous regulatory loophole that I do not believe that we can afford to let this situation lapse back to the situation we faced last year. We must not delay its consideration. To do so would cause a lapse in the regulatory structure that has been put in place to address the problems we have uncovered in the insurance industry. To cause a lapse would also severely undermine the superintendent of insurance for the District of Columbia.

This bill must be enacted before the provision contained in Public Law 102-382 expire so that the resulting havoc will be avoided altogether.

Mr. KOHL. Madam President, this provision was included in the 1993 D.C. bill. It brings the local Blue Cross-Blue Shield Corp. under the jurisdiction of the D.C. insurance commissioner until the authorizing committee has a chance to act.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 696) was agreed to.

Mr. KOHL. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2492, the District of Columbia appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $2 million and meets its 602(b) outlay allocation.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia Subcommittee, Senator BURNS, on all of their hard work.

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

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

SENATE BUDGET COMMITTEES SCORING OF H.R. 2492: DISTRICT OF COLUMBIA APPROPRIATIONS

[In millions of dollars]

	Budget authority	Outlays
BILL SUMMARY		
Discretionary total:		
New spending in bill	698	698
Outlays from prior years appropriations		0
Permanent/advance appropriations	0	0
Supplemental	0	0
Subtotal, discretionary spending	698	698
Mandatory total:		
Bill total	698	698
Senate 602(b) allocation	700	698
Difference	−2	0
Discretionary total above (+) or below (−):		
President's request	−7	−7
House-Passed bill	−2	0
Senate-reported bill		
Senate-passed bill		

BILL HISTORY—H.R. 2492: DISTRICT OF COLUMBIA APPROPRIATIONS

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
BILL SUMMARY										
Discretionary total:										
New spending in bill	705,101	705,101	700,000	698,000	698,000	698,000				
Permanents/advances	0	0	0	0	0	0				
Outlays from prior years		0		0		0				
H.R. 2118, 1993 spring supplemental	0	0	0	0	0	0				
Subtotal, discretionary	705,101	705,101	700,000	698,000	698,000	698,000				
Mandatory total:										
Mandatory spending in bill	0	0	0	0	0	0				
Budget resolution adjustment	0	0	0	0	0	0				
Subtotal, mandatory	0	0	0	0	0	0				
Bill total	705,101	705,101	700,000	698,000	698,000	698,000				
602(b) allocation	700,000	698,000	700,000	698,000	700,000	698,000				
Difference	5,101	7,101	0	0	−2,000	0				

Mr. KOHL. Mr. President, I ask unanimous consent that a letter I received from Senator ROBB relative to the Georgetown University cogeneration plant be placed in the RECORD at an appropriate place.

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

U.S. SENATE,
Washington, DC, July 27, 1993.

Hon. HERB KOHL,
Chairman, Subcommittee on District of Columbia, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I wrote to you on July 6, 1993 concerning the prolonged review of a proposed cogeneration plant to be located on the campus of Georgetown University in the District of Columbia. I suggested that the District be requested to complete its final review of the project by a date certain in order to keep the process moving toward what I hope will be a positive conclusion.

The interest expressed by you and others on the Committee appears to have inspired the parties to develop a project review schedule. The attached letter summarizes the review process and timetable agreed to by Larry King, director of the District's Department of Consumer and Regulatory Affairs (DCRA) and Maureen Dwyer, the representative of Georgetown Cogeneration, L.P.

I appreciate the willingness of Mayor Sharon Pratt Kelly and the District government to work with Georgetown University and Dominion Resources on this crucial project. I hope the spirit of cooperation will result in a mutually acceptable resolution without incurring additional, unnecessary delays.

Sincerely,

CHARLES S. ROBB.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS,
July 22, 1993.

Mr. RONALD D. USHER,
Project Manager, Georgetown Cogeneration, L.P., Richmond, VA.

DEAR MR. USHER: On June 16, 1993 I wrote you a letter directing Georgetown Cogeneration, L.P. (the applicant) to prepare a supplemental Environmental Impact Statement (EIS) to address certain design changes and additions which had not been adequately addressed in the original EIS. Subsequently I met with your representative, Maureen

Dwyer, to discuss the timetable and process for the submittal and review of the supplemental EIS and separate study of the impact of overhead and undergrounding of electrical transmission lines.

This letter outlines the timetable and review process agreed to by the Director of DCRA and Maureen Dwyer the representative for Georgetown Cogeneration, L.P. for the supplemental EIS and separate study on transmission lines.

The Director of DCRA will select an independent environmental consultant firm to perform the EIS, which will be paid for by Georgetown Cogeneration, L.P. from a list of consultants the applicant has reviewed. Upon the development of an agreement between the environmental consulting firm and the applicant, the study will commence. It is expected that the process and timetable will be as follows:

Applicant files Supplemental EIS, July 30, 1993.

DCRA distributes for review, July 30, 1993.

Publish notice of hearing in D.C. Register and papers, deliver to ANC's, August 6, 1993.

Public Hearing, September 7, 1993.

End Public Comment Period, September 14, 1993.

Send Comments to Applicant, September 15, 1993.

Receive Response from Applicant, September 22, 1993.

Distribute Responses for Review, September 23, 1993.

Issue Findings, October 1, 1993.

The above described process and timetable is contingent on the applicant providing the Supplemental EIS on July 30, 1993 in the required format, which will be provided to the applicant, and promptly responding to any requests for information or data. DCRA will prepare and timely transmit all required notices and perform all reviews in a timely manner.

Nothing in this letter is intended to imply that completion of this process will definitely result in permits being given. The review may in fact require mitigation and or other actions. We firmly believe their are legitimate concerns about the issues we have requested to be explored/studied in the EIS and separate report on transmission lines.

Sincerely,

LARRY KING,
Director.

Mr. KOHL. Madam President, I know of no further amendment to this bill. I request we go to third reading.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. KOHL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

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

The result was announced, yeas 70, nays 29, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—70

Akaka	Feingold	Mitchell
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Glenn	Murkowski
Bingaman	Graham	Murray
Bond	Harkin	Nunn
Boren	Hatfield	Packwood
Boxer	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Riegle
Burns	Kassebaum	Robb
Byrd	Kennedy	Rockefeller
Campbell	Kerrey	Sarbanes
Chafee	Kerry	Sasser
Cohen	Kohl	Simon
Conrad	Lautenberg	Simpson
Coverdell	Leahy	Specter
Danforth	Levin	Stevens
Daschle	Lieberman	Warner
Dodd	Mack	Wellstone
Dorgan	Mathews	Wofford
Durenberger	Metzenbaum	
Exon	Mikulski	

NAYS—29

Brown	Gramm	McCain
Coats	Grassley	McConnell
Cochran	Gregg	Nickles
Craig	Hatch	Pressler
D'Amato	Heflin	Roth
DeConcini	Helms	Shelby
Dole	Hutchison	Smith
Domenici	Kempthorne	Thurmond
Faircloth	Lott	Wallop
Gorton	Lugar	

NOT VOTING—1

Bradley

So the bill (H.R. 2492), as amended, was passed.

Mr. KOHL. Madam President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. KOHL. Madam President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mrs. BOXER] appointed Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BYRD, Mr. BURNS, Mr. MACK, and Mr. HATFIELD conferees on the part of the Senate.

Mr. KOHL. Madam President, I would like to offer my deep thanks and appreciation to members of the staff, who have been very supportive and helpful in crafting this piece of legislation. In particular, I would like to say thanks to Tim Leeth and Lula Joyce from the majority side, and Mark Van de Water from the minority side—all of them very good people and indispensable in the crafting of this legislation.

Madam President, I suggest the absence of a quorum.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I personally thank the chairman of this committee and Mr. GREGG, and folks who sat in on maneuvering this bill through today. Because of other commitments on Interior appropriations, I had to be gone and involved in that markup. I appreciate all the help, and what the chairman has done to pass this bill. I thank the staff.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I commend the managers of the bill, the ranking member, the Senator from Montana, and the manager and chairman of the subcommittee, the senior Senator from Wisconsin.

This appropriations bill was before the Senate for a total of 2 hours and 15 minutes. That is truly extraordinary for any appropriations bill, but especially for this one, which in past years has taken 2 days and 15 hours, as opposed to 2 hours and 15 minutes. It takes skill, hard work, and persuasiveness.

The result is all the more extraordinary since this is the first bill managed on the Senate floor by Senator KOHL. I think he has set a remarkable standard for brevity that other managers will be hard pressed to meet, and a remarkable standard for skill and perseverance and patience and cooperative effort with his ranking member, Senator BURNS, who also contributed significantly to this effort. So I thank them very much.

Madam President, I am used to standing up here making statements complaining about how slow the Senate is moving. It is a rare occasion, and therefore one in which I take great pleasure, when I can comment upon the Senate moving promptly and effectively to meet its public obligations. I know that is in no small part due to the tremendous job done by the Senator from Wisconsin. I thank him very much for his effort.

Madam President, under the previous order, the Senate is now to proceed to the consideration of the Commerce, Justice, State appropriations bill. I note the presence of the manager of that bill, Senator HOLLINGS, on the floor and wonder if he thinks he can do this in less than 2 hours 15 minutes.

Mr. HOLLINGS. I wish I could, Madam President. I cannot match the Kohl record. I wish I could. He is the all-time winner.

Mr. COATS. Madam President, I wonder if I could ask the majority leader if there is some reward for Senators in order, given the fact that we have expedited this bill, with some announcement perhaps of the schedule for this evening. Is there some good news on that front?

We do not want to give the Senators the impression if we move forward, it just simply brings a new item on the

docket that keeps us here late anyway. That might not be incentive to move expeditiously.

Mr. MITCHELL. To paraphrase a great statesman and author, there is no greater reward in life than in doing one's job as well as one is supposed to do that job.

Mr. COATS. Madam President, I wonder how I am to interpret that in terms of the schedule this evening.

Mr. MITCHELL. I hope we can make some progress on the other bill, but I do not intend this to be a late night.

Mr. COATS. I thank the leader.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2519.

The legislative clerk read as follows:

A bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

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

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

H.R. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, and the Victims of Crime Act of 1984, as amended, including salaries and expenses in connection therewith, **[$91,300,000]** *$89,564,000,* to remain available until expended, as authorized by section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $650,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate **[**a Missing Alzheimer Patient Alert**]** *The "Safe Return"* Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, **[$427,000,000]** *$493,750,000,* to remain available until expended, as authorized by section 1001(a) of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which: (a) **[$356,000,000]** *$371,750,000* shall be available to carry out the provisions of subpart 1 **[**and chapter A of subpart 2**]** *and an additional $50,000,000 shall be available to carry out the provisions of chapter A of subpart 2* of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) **[$15,000,000]** *an additional $9,000,000* shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants; (c) *an additional* $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for community policing; (d) *an additional* $13,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101–647 (104 Stat. 4824); **[**(e) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; and (f) $16,000,000 shall be available to reimburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law enforcement agencies which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies**]** *and (e) an additional $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for criminal records upgrade projects, including $10,000,000 for reimbursement to the Federal Bureau of Investigation: Provided,* That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further, That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.*

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, **[$123,000,000]** *$95,000,000,* to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102–586, of which: (a) **[$93,000,000]** *$76,000,000* shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) **[$6,000,000]** *$5,000,000* shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) **[$2,000,000]** *$7,000,000* shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (d) **[$22,000,000]** *$7,000,000* shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, **[$8,700,000]** *$5,000,000,* to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) **[$500,000** shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) $1,500,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) **$1,600,000]** *$1,500,000* shall be available for technical assistance and training, as authorized by section 214A of said Act, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse; **[**(d)**]** *(b)* $1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; **[**(e) $3,500,000**]** *(c) $2,000,000* shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and **[**(f) $600,000**]** *(d) $5,000,000,* notwithstanding section 224(b) of said Act, shall be available to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, **[$117,196,000]** *$115,000,000;* of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[$30,898,000]** *$30,723,000;* including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, **[$12,829,000]** *$13,150,000,* to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided,* That funds designated by Congress through language or through policy guidance in reports for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and

personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section [605] *606* of this Act.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, [$9,385,000] *$9,123,000*.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; [$400,968,000] *$400,086,000*; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [$1,900,000] *$2,000,000* to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101-509 (104 Stat. 1289).

[CIVIL LIBERTIES PUBLIC EDUCATION FUND

[For fiscal year 1994 and thereafter, after payments authorized by section 105 of the Civil Liberties Act of 1988 (Public Law 100-383) have been obligated for all known eligible individuals, any amounts remaining under the total authorized level for the Civil Liberties Public Education Fund, may be used by the Board of Directors of the Fund for research contracts and public educational activities, and for publication and distribution of the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 106(b) of the aforementioned Act, subject to appropriations provided for the purposes of section 106(b) of said Act.]

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, [$63,817,000] *$62,092,000*: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than [$44,817,000] *$43,092,000*: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, [$808,797,000] *$818,797,000*, of which not to exceed $2,500,000 shall be available until September 30, 1995 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM

For the necessary expenses of the United States Trustee Program, [$94,008,000] *$99,837,000*, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554), of which [$56,521,000] *$46,150,000* shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed [$37,487,000] *$53,687,000* of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28 United States Code, as amended by section 111 of Public Law 102-140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the [$94,008,000] *$99,837,000* herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than [$56,521,000] *$46,150,000*: *Provided further*, That any of the aforementioned fees collected in excess of [$37,487,000] *$53,687,000* in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, [$940,000] *$898,000*.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; [$339,808,000] *$337,808,000*, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; [$307,700,000] *$312,884,000*, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $103,022,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, [$26,792,000] *$26,106,000*, of which not to exceed [$17,415,000] *$16,278,000* shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans or other aliens from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service contracted hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section [605] *606* of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, [$60,275,000] *$58,000,000* to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, [$2,586,000] *$2,668,000*.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, [$384,381,000] *$382,381,000*, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section [605] *606* of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,665 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; [$2,024,705,000] *$2,038,705,000*, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1995; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which [$75,400,000] *$84,400,000*, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,117 passenger motor vehicles of which 1,117 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [$718,684,000] *$725,161,000*, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1995, and of which not to exceed $45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 597 of which 302 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [$1,059,000,000] *$1,048,538,000*, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Land Border Fee Pilot Project scheduled to end September 30, 1993, is extended to September 30, 1996 *for projects on the northern border of the United States only*.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 770 of which 405 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; [$1,950,000,000] *$1,971,615,000*: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1995.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, [$10,211,000] *$9,995,000*, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; [$175,000,000] *$351,850,000*, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs, *and of which $75,000,000 shall be available for construction, renovation, and equipping of Immigration and Naturalization Service Service Processing Centers or other alien detention facilities*: *Provided*, That not to exceed $16,000,000 from unobligated balances shall be available for the Cooperative Agreement Program (CAP): *Provided further*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section [605] *606* of this Act: *Provided further*, That unless a notification as required under section [605] *606* of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the CAP shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for

the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed [$3,100,000] *$3,395,000* of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed $2,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 106. For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [605] *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used only for paying the costs of processing and tracking such litigation.

[SEC. 109. (a) Section 524(c)(9)(E) of title 28, United States Code, as amended, is further amended by inserting "up to and including September 30, 1993," immediately after the phrase "and on September 30 of each fiscal year thereafter,".

[(b) Notwithstanding any other provision of law, the first $20,000,000 of the amounts made available in fiscal year 1994 from surplus amounts remaining on September 30, 1993, in accordance with section 524(c)(9)(E) of title 28, United States Code, as amended, shall be transferred to Federal Prison System, "Buildings and facilities".]

SEC. 109. Section 524(c)(9) of title 28, United States Code, as amended, is further amended by deleting subsection (E).

SEC. 110. During fiscal year 1994, from funds appropriated to the Department of Justice, the Attorney General may enter into reimbursable agreements with the Federal Judicial Branch, or reimburse a State or local government, if applicable, for the cost of managing prisoners or detainees, who are in the custody of the Attorney General, in a home confinement, electronic monitoring, or other such less costly alternative to incarceration when a Federal judicial official has determined this course of confinement to be viable and practicable: Provided, That this section shall not be applied in any way which is inconsistent with Federal law under titles 18 and 21, United States Code, including Federal sentencing guidelines and law related to minimum mandatory sentences.

SEC. 111. (a) 28 United States Code 1930(a)(1) is amended by striking "$120" and inserting in lieu thereof "$135"; and

(b) 28 United States Code 589 is amended in subsection (b), subparagraph (1) by striking "one-fourth" and inserting in lieu thereof "22.2 per centum", and in subsection (f), paragraph (2) by inserting after the word "title" the following:

"; and

"(3) 11.1 per centum of the fees collected under section 1930(a)(1) of this title".

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, [$7,565,000] *$7,923,000*, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98-183: *Provided*, That not to exceed $20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed [$26,000,000] *$28,500,000*, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; [$230,000,000] *$227,305,000*: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $129,889,000, of which not to exceed $300,000 shall remain available until September 30, 1995, for research and policy studies: *Provided, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 60 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the*

rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; [$18,383,000] *$19,450,000: Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,740,000: *Provided,* That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $69,740,000: *Provided further,* That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285): *Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252; 94 Stat. 374).*

[NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses of the National Commission to Support Law Enforcement, $500,000, as authorized by section 211(B) of Public Law 101–515 (104 Stat. 2122), to remain available until expended.]

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $57,856,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: Provided further, That such fees shall remain available until expended.*

In addition, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and subject to the schedule of fees contained in such legislation, the Commission may collect not to exceed $16,600,000 in fees, and such fees shall be deposited as an offsetting collection to this appropriation to recover the costs of registration, supervision, and regulation of investment advisers and their activities: *Provided,* That such fees shall remain available until expended.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of [1988 (Public Law 100–690 (102 Stat. 4466–4467)), $13,550,000] *1992 (Public Law 102–572 (106 Stat. 4515–4516)), $13,000,000,* to remain available until expended: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1994".

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, [$210,000,000] *$240,988,000,* to remain available until expended, of which not to exceed $5,880,000 may be transferred to the "Working Capital Fund" *and $3,000,000 may be transferred to the Department of Commerce "Working Capital Fund".*

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Outreach Program of the National Institute of Standards and Technology, $232,524,000, to remain available until expended, of which not to exceed $1,290,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $61,686,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; [$1,650,000,000, to remain available until expended; and in addition, $55,544,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"] *$1,685,000,000, to remain available until expended; of which $600,000 shall be available for operational expenses and cooperative agreements at the Fish Farming Experimental Laboratory at Stuttgart, Arkansas; and in addition, $54,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: Provided further, That in applying the provisions of section 606 of this Act to the programs, projects, and activities of the National Oceanic and Atmospheric Administration, the notification requirements of section 606 shall apply to the proposed reprogramming of funds in excess of $250,000 or 5 per centum, whichever is less, for each program, project, or activity: Provided further, That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation.*

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, [$89,775,000, to remain available until expended] *$109,703,000 to remain available until expended, of which $5,000,000 shall be available for acquisition of real property for national estuarine reserves (16 U.S.C. 1461): Provided, That $6,250,000 shall be made available and shall remain available until expended for the construction of the National Fisheries Marine Service Estuarine and Habitat Research Laboratory in Lafayette, Louisiana.*

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, construction, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, [$23,064,000] *$77,064,000,* to remain available until expended.

AIRCRAFT PROCUREMENT AND MODERNIZATION

For construction, procurement and modification of aircraft, including research equipment

and spare parts, necessary to acquire the next generation aircraft reconnaissance system for hurricane and severe storm forecasting and atmospheric research, $46,000,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $459,000.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,273,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $550,000, to remain available until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, [$33,042,000] *$31,712,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), [$15,860,000] *$16,500,000.*

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, [$131,170,000] *$128,286,000.*

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, [$110,000,000] *$120,084,000,* to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,220,000, to remain available until September 30, 1995.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, *including expenses of grants and cooperative agreements to include those in support of the National Textile Center University Consortium and the Tailored Clothing Technology Corporation,* without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; [$221,445,000] *$251,103,000,* to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $22,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $34,747,000, to remain available until expended, *of which not less than $1,880,000 shall be available for the Office of Antiboycott Compliance: Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, [$38,362,000, of which $22,800,000 shall remain available until expended: *Provided,* That not to exceed $15,562,000 shall be available for program management for fiscal year 1994] *$43,381,000, of which $29,000,000 shall remain available until expended.*

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; $20,298,000, to remain available until expended, of which not to exceed $2,500,000 is to provide financial assistance under section 203(a) of the International Travel Act of 1961, as amended, notwithstanding the provisions of section 203(f)(1) of such Act: Provided further, That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $88,329,000, to remain available until expended, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided,* That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 shall remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, [$4,500,000] *$6,000,000.*

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, [$18,927,000] *$20,927,000,* to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$20,254,000] *$28,000,000,* to remain available until expended as authorized by section 391 of said Act, as amended: *Provided,* That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further,* That notwithstanding the provisions of section 391 of said Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $1,000,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program*

(PEACESAT): Provided further, That $500,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$21,746,000] *$31,000,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the requirements of section 392 (a) and 392 (c) of such Act, these funds may be used for the planning and construction of telecommunications networks *for the provision of educational, cultural, health care, public information, public safety or other social services.*

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101-437, including costs for contracts, grants and administrative expenses, $1,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $228,922,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

DEFENSE ECONOMIC ADJUSTMENT COMMUNITY ASSISTANCE

For economic adjustment grants and assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, necessary to assist communities adversely affected by Department of Defense and Department of Energy contract reductions and installation realignments and closures, $80,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,151,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [605] *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce Appropriations Act, 1994".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; [$22,326,000] *$23,217,000*.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), [$2,699,000] *$2,983,000*, of which $300,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, [$13,127,000] *$12,195,000*.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, [$11,100,000] *$10,718,000*.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, [$2,189,131,000] *$2,070,400,000* (including the purchase of firearms and ammunition); of which not to exceed $20,000,000 shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [$2,063,000] *$2,075,000* to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), [$297,252,000] *$286,170,000*, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided, That none of the funds contained herein may be used to increase the hourly rate paid panel attorneys above the rate in effect on July 2, 1993: Provided further, That not to exceed $11,524,000 shall be available for Death Penalty Resource Centers.*

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $77,095,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice

Act (Public Law 100-702); [$84,500,000] *$80,952,000*, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, [$44,612,000] *$43,358,000*, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, [$18,467,000] *$18,296,000*; of which $1,800,000 shall remain available through September 30, 1995, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), [$20,000,000] *$20,000,000*, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), and in addition to the Claims Court Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $545,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [$8,468,000] *$8,474,000*, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [605] *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriations Act, 1994".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $240,870,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $76,423,000, to remain available until expended, *of which $28,877,000 shall be available for the United States Merchant Marine Academy and $10,344,000 shall be available for State maritime academy programs*: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and for related programs, $300,000,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, [$900,000] *$500,000*, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, [$1,047,000] *$1,099,000*, to remain available until expended as authorized by section 3 of Public Law 99-7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,140,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, [$1,226,000] *$1,290,000*.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, [$300,000] *$500,000*.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, [$21,318,000] *$20,143,000*, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, [$243,326,000 of which $71,266,000 is for grants for performance in fiscal year 1994 or fiscal year 1995 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended] *$215,000,000, of which $3,500,000 shall be available for the Service Corps of Retired Executives (SCORE), and of which $3,000,000 shall be available to the Small Business Institute program (SBI), and of which $9,500,000 shall be available until expended for Microloan technical assistance*: *Provided*, That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse Centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act. [None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, or any new or increased user fee or management assistance fee, except as otherwise provided in this Act.]

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as

amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $7,962,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, [$22,994,000] *$21,032,000, of which $5,135,000 shall be available until expended for the Microloan program,* and for the cost of guaranteed loans, [$219,459,000] *$191,955,000,* as authorized by 15 U.S.C. 631 note: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,737,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans, authorized by 15 U.S.C. 631 note, [$75,000,000] *$65,000,000,* to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

In addition, for administrative expenses to carry out the direct loan program, $76,101,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

In addition, for the cost of emergency disaster loans and associated administrative expenses, $75,000,000, to remain available until expended: Provided, That these funds, or any portion thereof, shall be available beginning in fiscal year 1994 to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Budget Enforcement Act of 1990: Provided further, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D).

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $12,369,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

SBIC BANKRUPTCY PROVISION

None of the funds provided by this Act for the Small Business Administration may be used to guarantee any participating securities authorized by Public Law 102–366 until legislation has been enacted which directly or indirectly prohibits the filing of a petition under the Bankruptcy Code by a small business investment company licensed under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 or regulations implemented to reduce risks to the Small Business Administration from companies licensed under section (c) or (d) of section 301 of the Small Business Investment Act of 1958.

[THOMAS JEFFERSON COMMEMORATION COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Thomas Jefferson Commemoration Commission as authorized by Public Law 102–343, $62,000: *Provided,* That any unobligated balances of amounts made available for fiscal year 1993 shall expire on September 30, 1994.]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $349,000,000; of which $298,904,000 is for basic field programs; $7,826,000 is for Native American programs; $10,808,000 is for migrant programs; $1,226,000 is for law school clinics; $1,113,000 is for supplemental field programs; $695,000 is for regional training centers; $8,056,000 is for national support; $9,236,000 is for State support; $963,000 is for the Clearinghouse; $569,000 is for computer assisted legal research regional centers; $9,555,000 is for Corporation management and administration; and $49,000 is for board initiatives.

[DEPARTMENT OF COMMERCE

[ECONOMIC DEVELOPMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of administering the economic development assistance programs as provided for by law, $26,284,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.]

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service *not otherwise provided for,* including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; [$1,612,206,000] *$1,658,184,000,* and in addition not to exceed $665,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717, and in addition not to exceed $1,185,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) *and for expenses of general administration.*

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, [$481,416,000] *$455,816,000.*

BUYING POWER MAINTENANCE

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696 (b)), [$3,800,000] *$3,000,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $23,469,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $10,551,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), [$381,481,000] *$410,000,000,* to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $7,805,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That not more than $1,000,000 shall be available for representation expenses.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, [$186,000] *$593,000,* as authorized by 22 U.S.C. 2671: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. *In addition, for administrative expenses necessary to carry out the direct loan program, $183,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.*

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,084,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $904,926,000, of which not to exceed $44,041,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective

international organization: Provided, That none of the funds appropriated in this paragraph shall be available for arrearage payments to the United Nations until the Secretary of State certifies to the Congress that the United Nations has established an independent office of audits and inspections with responsibilities and powers substantially similar to offices of Inspectors General authorized by the Inspector General Act of 1978, as amended: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, [$422,499,000] *$444,736,000*, of which not to exceed [$20,892,000] *$21,992,000* is available to pay arrearages: *Provided, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers, and that the United States Mission to the United Nations has established procedures to provide information on all United Nations procurement regulations and solicitations to American manufacturers and suppliers.*

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672, and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, [$5,463,000] *$6,600,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, [$11,054,000] *$11,330,000*.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [$14,051,000] *$14,790,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,290,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,200,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, $4,275,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, [$16,287,000] *$15,000,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [605] *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), [$47,279,000] *$58,000,000, of which $14,000,000 is available only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons.*

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated, as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2883), $210,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

[ISRAEL RELAY STATION

[(RESCISSION)

[Of the available funds under this heading, $180,000,000 are rescinded.]

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99-83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, [$44,391,000] *$42,000,000*, to remain available until expended.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); [$730,000,000] *$741,693,000*: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $1,200,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, radio, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as

amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,247,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, Congress-Bundestag Exchange, and other exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), [$217,650,000] *$250,702,000*, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated to be derived from interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), $300,000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1994, to remain available until expended.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, [$75,164,000] *$57,620,000*, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, [$23,000,000] *$26,000,000*: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $28,351,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a): Provided, That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

[NORTH/SOUTH CENTER

[To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991, (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $8,000,000, to remain available until expended.]

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $35,000,000, to remain available until expended.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. [605] *606*. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

[SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

[SEC. 606. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, to the extent feasible, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Head of the agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.]

SEC. 607. (a) Funds appropriated under this Act to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1994 pursuant to the number of poor people determined by the Bureau of Census to be within its geographical area shall be distributed in the following order: grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation for basic field programs shall be maintained in fiscal year 1994 at not less than 97.903 per centum of the annual level at which each grantee and contractor was funded in fiscal year 1993 pursuant to Public Law 102–395;

(b) None of the funds appropriated under this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) section 607 of Public Law 101–515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in section 607 of Public Law 101–515 and all references to "1991" in section 607 of Public Law 101–515 shall be deemed to be "1994" unless paragraph (2) or (3) applies;

(2) paragraph 1, except that, if a Board of eleven Directors is nominated by the President and confirmed by the Senate, provisos 20 and 22 shall not apply;

(3) authorizing legislation for fiscal year 1994 for the Legal Services Corporation is enacted into law.

SEC. 608. It is the sense of the Congress that entities purchasing goods or services with funds available under this Act should, to the maximum extent feasible where available, purchase only American-made equipment, products, and services.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994".

Mr. HOLLINGS. Madam President, I am pleased to present the Senate with the committee-recommended fiscal year 1994 Commerce, Justice, and State, the judiciary, and related agencies appropriations bill.

The recommended bill, Madam President, provides $22.971 billion in discretionary budget authority, and $23.275

billion in outlays. This bill is at our 602(b) allocation. I should note that the bill is $1.210 billion in budget authority below the budget request, and $1.156 billion below the President's budget request. To get this bill down within our allocation, we have had to reduce a lot of programs. Many of these programs eliminated were proposed by the President.

This fiscal year has been one of the strangest since I have been chairman of the subcommittee. Our distinguished former colleague and now Director of the Office of Management and Budget, Mr. Leon Panetta, who knows better, sent us a budget that exceeded the discretionary budget caps in the 1990 Budget Enforcement Act by $6.7 billion in outlays.

The budget euphemistically calls this excess spending "investments." And for this bill, he sent us $987 million in program requests above the caps for Justice, Small Business, and Commerce programs. Yet, every Cabinet Secretary, and Mr. Panetta himself, have been telling us that even though they could not find the money for these programs, it is imperative that we must.

So we have gone back and done a lot of cutting, and this bill provides $728 million for these investment programs for Nexrad weather stations, small business loans, and National Institute of Standards and Technology programs like manufacturing technology centers and the advanced technology programs.

The bill also eliminates and cuts a lot of programs that the President proposed in his economic speech in February. The bill cuts or eliminates funding for such programs as the Export Administration, trade adjustment assistance for firms, and the North-South Center in Miami. And while Member after Member sent us requests for university research projects, and SBA or EDA earmarks, the recommended bill contains no such projects.

The bill contains a $131 million initiative above the President's budget request to control our borders and beef up the operations of the Immigration and Naturalization Service. It puts an additional 600 Border Patrol agents on the Southwest border and provides new facilities for alien detention and deportation. The bill contains an increase of $20 million above the budget for counterterrorism programs in the FBI and the State Department.

I think all anyone needs to do is turn on the television to see why we are recommending these particular initiatives. The bill contains $198 million for research facilities, equipment, and infrastructure at NOAA and NIST. The average age of the ships in the NOAA fleet is 28 years. And in the words of the Undersecretary for Oceans and Atmosphere, "the fleet is in terrible shape." During the 1980's, this country funded the construction of 242 Navy vessels and 65 Coast Guard ships, but no vessels were built for NOAA.

So our recommended bill includes $58 million for a new oceanographic research vessel, and we have included $46 million for high altitude NOAA hurricane research aircraft. The current NOAA aircraft were designed for antisubmarine warfare. They cannot fly high enough or fast enough to perform the kind of research that is needed to advance our prediction of hurricane intensity and direction.

Other bill highlights include: In total, we have provided $9.427 billion for the Department of Justice domestic discretionary programs. That is $404 million or 4.5 percent above this year's level. And we are $215 million above the House bill.

Our bill includes $683 million for justice assistance grants, including $431 million for State and local drug grants; $25 million for community policing; $25 million for criminal records upgrades; and $100 million for the juvenile justice program.

We fully funded the President's prison construction request of $277 million, and $1.972 billion is provided for salaries and expenses of the prison system—an increase of $290 million above this year.

$819 million is provided for U.S. attorneys, and $2.039 billion for the FBI. We have a $2 billion budget now for the Federal Bureau of Investigation.

$233 million is recommended for NIST external research programs, the President's budget request and $146 million above this year. This should finally get us on our way to developing a real program to modernize American manufacturing industry and make us more competitive.

$251 million is recommended for the International Trade Administration. We have fully funded the United States and Foreign Commercial Service which is charged with increasing U.S. business exports, and we have included $32.3 million for the Import Administration, an increase of $3 million, to improve its dumping investigations by getting some accountants and financial people in that agency.

$339 million is provided for EDA including $80 million for the defense economic adjustment assistance for communities and $45.6 million in title IX grants for communities in distress, such as Kauai, HI, which is still suffering the effects of Hurricane Iniki and the Pacific Northwest from reduced timber sales.

The bill provides $2.656 billion for the Federal judiciary. That is $122 million or 4.8 percent increase over this year. That is a higher percentage increase than the Justice Department received.

Fees of jurors and defender services are funded at a level that will avoid a repeat of this year's experience, when the payments ran out.

For the judiciary overall, the recommendation reflects application of the same management efficiencies and administrative reductions that all other agencies in this bill are required to achieve.

We have tried to do our very best to help out the State Department within the constraints placed on us by the authorization committee. Our recommended level of $4.135 billion is, however, $242 million below this year's level.

We have provided $10 million to modernize overseas processing of visas, and will enable the State Department to get rid of the antiquated methods of checking backgrounds of individuals trying to enter the United States. We have provided $410 million for maintenance and repairs of our embassies overseas.

$445 million is included for international peacekeeping, and $905 million is included for the United Nations and international organizations. And we have included two amendments suggested by Senator DOMENICI. The first requires that the United Nations give American companies a fair shot at procurement contracts, and the second withholds U.N. arrearage payments until the United Nations creates an inspector general.

For the USIA, we have included $251 million for exchange programs, like the Fulbright and Edmund Muskie scholarships and Mansfield programs. That is $33 million above the House bill.

We have provided $35 million for the National Endowment for Democracy and $28 million for Radio and TV Marti. The House has proposed zeroing out both of these programs.

And, we have provided $14 million for the implementation of the chemical weapons disarmament treaty. That is one of great concerns to our National Security Council pending the ongoing conference. The House bill proposed no appropriations for this purpose.

For SBA, we fully funded the President's request for loans and business loan guarantees. That is $213 million. And, of course, the Small Business Committee is just now making changes in the way the loan programs operate to make this money go farther in terms of the level of loans it finances.

We have provided instead of $3 billion, something over $6 billion in actual loan guarantees in this bill.

We have provided $67 million for small business development centers, $3.5 million for the SCORE program, and $14.6 million for the successful micro-loan program.

I want to point out to the Members that we are putting this bill together just as fast as possible. We have done that with the guidance of our distinguished ranking member, Senator PETE DOMENICI who has been a wonderful cooperator here in trying to iron out various concerns on either side of the aisle.

I want to thank Senator DOMENICI and our minority staff director, John Shank, who along with our staff director, Scott Gudes, and Liz Blevins, and Dorothy Seder—have been working around the clock just exactly the way Senator Warren Rudman and I did—developing a close bipartisan working relationship. I am proud to say that we have gotten that continued relationship with my distinguished friend from New Mexico.

We understand that there are a few amendments of concern, and I think we can more or less take most of them. But I have to confer of course with my leader on the other side.

Let me yield to Senator DOMENICI.

Mr. DOMENICI. Thank you very much.

Madam President, even though this bill funds a variety of major Federal agencies and departments, I think because of the times and because of what the American people are worried about, I can quite properly call this a crime fighting bill. I do not think there is any question about it. Wherever we could find additional money, and whatever we could cut, most of it, other than for economic development and technology in the Department of Commerce, most of the rest went to crime fighting. I am very pleased that that is the case.

Madam President, while I have been on the Appropriations Committee for awhile, this is my first year as the ranking Republican on the Commerce, Justice, and State Subcommittee. I want to express my sincere appreciation to my chairman, Senator HOLLINGS, and the majority staff for this easy transition. Obviously, the minority staff director for this subcommittee, John Shank, who sits here at my right, has been invaluable.

I think Senator HOLLINGS and I, and this subcommittee, have looked at this bill and the subject contained in it as thoroughly as we could, and we have come up with a reasonably good bill.

I will not explain it in any detail because that has been done by the chairman. But I will go over a few highlights and some areas that everybody should know are rather contentious with reference to the amount of funding that we have not given certain activities of the Government.

First, the committee recommends a total of $22.968 billion in discretionary budget authority, resulting in new and prior year outlays of $23,274,264,000. To put these numbers in context, they are almost $1.2 billion in outlays below the level of the budget requests pending before this subcommittee. In addition, the bill is almost $152 million in budget authority below the 1993 enacted level. Indeed, the subcommittee allocation—that is, the amount we have been given by the Appropriations Committee to spend—if we keep to ours and all of the other subcommittees keep to their allocations, we will be within the cap that was set in the 1990 agreement and applies to the Congress and the President this year.

So this subcommittee is $533.9 million in outlays below the current services level; current services being what you would spend if you left everything in the Government alone within this subcommittee and added inflation to it.

In regard to funding the Federal judiciary, the OMB included a plug cut of $573 million in budget authority and $506 million in outlays from the request which was submitted directly by the judiciary to the Congress. By that, I mean it was cut that much, but they did not tell us how with specificity. This reduction has, in effect, been sent over to us in what we call a crosswalk to the Commerce, Justice, and State Subcommittee by the committee in their overall allocation of what we have to spend. We have been able to provide an increase, nonetheless, for the judiciary of $64.9 million above this level only by cutting other requests in this bill.

Overall, the judiciary would receive an increase of almost 5 percent—4.8 percent. Working with new projections provided by the judiciary, sufficient funds have been provided to ensure that we should not run out of funds for fees of jurors or defender services during the coming year. That caused all of us with some real problems just a while ago, and we had to take care of it in a supplemental, as most Senators remember.

The State Department and other international affairs accounts within this bill generally conform to the levels included in the recently reported foreign affairs authorization bill. That is, for the State Department, it includes assessed contributions for international organizations. The level is $242 million less than the 1993 level and almost $500 million below the request.

The level for peacekeeping is $444.7 million in budget authority for this activity minus a requested contingency fund of $175 million. Senator HOLLINGS and I agree that this subcommittee cannot absorb larger levels for peacekeeping expenses without seriously impacting other programs, such as the Justice Department and NOAA, and the operations of the State Department itself. Frankly, it appears to this Senator that so long as we have no specific caps on domestic, defense, and foreign affairs appropriations, what we really need is for the President to set out officially and formally, within his budget, all of the money he wants for peacekeeping, and make sure that it is understood within the context of all of the other programs.

With regard to the international organizations and peacekeeping, we have included, as the chairman indicated, bill language which requires that the United Nations establish an inspector general prior to the release of any arrearage payments. I might say that it is not the intention of this committee or this Senator, who suggested this language, that we, with any kind of preciseness, say you must have an inspector general like we have in our big departments. But clearly, we intend to protect our commitment to the United Nations by making sure that they are not caught with some big abuse of resources within the United Nations. I am not making that accusation today, but there are plenty who say its bookkeeping methods, its accounting methods, are not up to snuff. At some point, a scandal will blow up on us, and the American people will say let us not contribute and be part of this. Obviously, in this new and different world, we need a number of years of experience in our peacekeeping effort and with the United Nations, in their expanded role to see exactly how it fits into this world, and we have to be players. And to be players we have to have the American people's support, and for that, they have to believe that the funding is handled with integrity and in a good workmanlike manner and that there is no waste, fraud, or abuse within the United Nations, or at least none that could be accounted for with some reasonable, good practices of ordinary accounting inspection and the like.

With regard to the international organizations and peacekeeping, we have included language which requires precisely that there be an inspector general, and I have just explained why. We have expanded bill language from last year which requires that the Secretary of State certify that U.S. firms are being given a fair chance at procurement contracts associated with peacekeeping. And we have included report language to indicate that the administration must do a better job in informing and consulting with Congress on the costs and scope of peacekeeping questions.

I believe in all three. Something in the nature of an inspector general, the language says: the United Nations, as it puts out contracts for acquisition of peacekeeping equipment or materiel, the United States must be given a fair chance to be among those selling or providing the products, services, or materiel. I think that is only fair.

Last, there has been some concern expressed on the floor about the President of the United States informing and consulting with the Congress on the cost and scope of peacekeeping operations. This is imperative. It is not an easy order, and the policy will be evolving. Frankly, I think we have to have our processes of trying to keep the budget under control so it is not subject to the sort of ups and downs and we do not really have any way to judge what it is going to cost. I think

we have to have better exchanges between the executive branch and the legislative branch in that regard.

A few things that are very positive on the crime-fighting end. I do not think I have been part of an amendment that has received as many accolades as the one with reference to the Border Patrol and the Immigration and Naturalization Service. We would restore, as the chairman said, 93 positions that the President had cut out of his budget. We also allow them to hire an additional 600 officers. In addition, 254 new positions would expand detention and deportation activities, and $75 million for construction, renovation, and equipping of additional INS processing centers and other alien detention facilities, including $10 million for such facilities at international airports.

Now, Madam President, the airways are full of the problem of illegal aliens. Americans are concerned about this. Their heads are going back and forth wondering what are we up to when we read about what is going on in New York City, when we see illegal aliens coming in greater numbers with the new immigration law and when we find them able to escape our temporary confinement—even though they are illegal—wind up and on the streets of our cities. We cannot find them ever again, and we, in our good nature, think they will report to a judge someday to see if they are legal or illegal.

We want to give the Border Patrol and INS every opportunity to do their job. We think they need more, not less. And I am pleased to say to the Senate that, while I am not familiar with all the proposals that the President and the White House are going to submit in this regard, I can tell you with a great deal of confidence and some degree of pride, with reference to funding the Border Patrol and making sure we can incarcerate those that need to be incarcerated temporarily awaiting a decision on whether they are illegal or not, the President is proposing this program and we will have already have funded it.

I think that means we are all on the right track. There is no use giving up on this aspect of illegal aliens entering our country. When we read about what happens in Kennedy Airport, when illegals come in with no papers and then we say to them we have no place to keep you, you are entitled to a hearing. We let them go and say, report back in 6 months to this judge that will hear your case.

I see the Presiding Officer nodding her head in the positive.

They do not come back. They are out there in the streets of New York and our cities and, frankly, we just cannot continue this. If we need more, we need more, but we have to have that issue heard right then and if necessary put them right back on an airplane. Wherever they came from ought to take them back. The airplane, perhaps, ought to take them back. But I am not going to prejudge that because many are fooling the airlines, too, entering with papers and destroying them en route, throwing them down the toilet and some time even eating them, as I understand it. So they end up arriving on our shores with no papers, being illegal, getting this decent American treatment which turns them loose until they are supposed to report back, which is probably never. They are wreaking havoc in our cities, and we have seen much of that in the terrorism of New York City.

Frankly, I do not think we can go much longer without telling the American people we are going to do something about that. We are doing that in this bill.

In addition, a portion of this initiative that was embraced today by the President, as I indicated, is exactly the same as this. The President said, "The Border Patrol is drastically understaffed, breathtakingly understaffed," and our initiative attempts to correct that.

Those were quotes from the President. I believe he is acknowledging he made a mistake in his budget when they recommended cutting 93 positions and making no increases of personnel. He changed his mind.

We accommodated that in advance, and provided $10 million more for the FBI for enhanced counterterrorism, including the establishment of a second hostage rescue team. And the State Department would also receive $10 million to upgrade and automate its visa processing capability in order to halt entrance into this country of undesirable aliens who may attempt to engage in terrorist activities.

Frankly, we cannot afford to have anything but the best when it comes to counterterrorism, when it comes to computer capability. It has to be as automated as possible regarding visa processing. All the capability we can add to it must be there, and we have to develop a uniform system.

Hopefully, we are starting down that path. It is probably late, but it is better late than never.

We also provided the full budget request, as my friend, the chairman has indicated, for small business loans. There is a very big demand for guaranteed Small Business Administration loans. We all know why.

We all think that this program is working, as compared with other programs that give money away or give grants. This one lends money. The banks actually lend it on our behalf, and small business is taking advantage of it in many cases where they would not otherwise be able to borrow.

When the Committee on Small Business completes changes to some of the subsidy rates, we ought to have as much as $6.6 billion available for small business from the dollars that we are putting into this guarantee program, which is the amount that we think is necessary to make the program work.

There are many other items within this bill, but I am very pleased with it. We will go to conference and obviously some things will be changed. But from this Senator's standpoint I think we did a reasonably good job with the demands and requests that were put upon us by the administration, our commitments to the United Nations and other Senators who saw other needs which we could not accommodate.

I yield the floor at this time.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2519, the conference report on the commerce, justice, state appropriations bill as reported by the Appropriations Committee, and has found that the bill is under its 602(b) allocations in budget authority by $235 million and is under its 602(b) allocations in outlays by $1 million.

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

Madam President, I have a table from the Budget Committee showing the official scoring of the conference report on the commerce, justice, state appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519: FISCAL YEAR 1994 COMMERCE, JUSTICE, STATE APPROPRIATIONS

[In millions of dollars]

	Budget authority	Outlays
BILL SUMMARY		
Discretionary total:		
New spending in bill	22,951	16,906
Outlays from prior years appropriations		6,350
Permanent/advance appropriations	20	18
Supplemental	0	1
Subtotal, discretionary spending	22,971	23,275
Mandatory total	561	546
Bill total	23,532	23,821
Senate 602(b) allocation	23,767	23,822
Difference	−235	−1
Discretionary total above (+) or below (−):		
President's request	−1,210	−1,156
House-passed bill	2,690	1,600
Senate-reported bill		
Senate-passed bill		

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Madam President, might I ask does the distinguished manager of the bill have other comments at this point? I have an amendment I would like to have considered.

Mr. HOLLINGS. We want to get the amendments up, all who have amendments, because I do not mind taking the rap of being precipitous and moving to third reading. We are not going

to sit around this evening waiting and talking.

If the Senator has an amendment, we will be glad to hear it.

Mr. KERREY. Madam President, I have an amendment. I am going to hold for a minute sending it to the desk.

I discussed this amendment with the distinguished chairman of the subcommittee, the Senator from South Carolina, about a time limitation. I do not know if we discussed an hour or 30 minutes. I am not a long talker. I could talk for 15 or 20 minutes, however long it takes to describe this amendment, and not take very much longer after that.

Mr. HOLLINGS. On the amendment of the distinguished Senator from Nebraska, we agreed to 15 minutes to each side. I would not agree to the amendment, I tell my ranking member.

If I am correct, I think it has to do with instructions to the reconciliation conference. I do not think this is appropriate for this particular bill. Has the Senator from New Mexico seen the amendment?

Mr. KERREY. No. I can describe it. The Senator from South Carolina described it accurately. It instructs the conference committee relative to paying for the disaster program that we are going to consider at some point here.

Mr. DOMENICI. Madam President, might I ask my friend from Nebraska; I do not know whether it is, in his opinion, urgent that we do that, that he lay this down tonight. But I had told Senator HOLLINGS that we probably would have a D'Amato amendment, and I have sent for him.

There is nothing precluding the Senator from Nebraska proceeding as he is now. I was wondering if we could at least ask the Senator.

Mr. HOLLINGS. We could get right to it in half an hour.

Mr. DOMENICI. The amendment?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. The committee amendments are still outstanding, are they not?

Mr. HOLLINGS. Yes. Get agreement on the committee amendment.

Mr. DOMENICI. We are trying to do that.

Mr. HOLLINGS. While waiting, I thought it would be a good use of time to hear the distinguished Senator from Nebraska.

Mr. DOMENICI. Could the Senator discuss the amendment without sending it to the desk, while I make a call to a Senator and come right back?

Mr. KERREY. I am glad to.

Mr. DOMENICI. I thank the Senator for accommodating.

Mr. KERREY. Madam President, this amendment essentially instructs the conference committee that it is the sense of this amendment.

The PRESIDING OFFICER. Has the Senator sent the amendment to the desk?

Mr. KERREY. He has not. He was asked by the Senator from New Mexico to withhold. I intend to send the amendment to the desk.

The PRESIDING OFFICER. The Senator may proceed.

Mr. KERREY. Madam President, the amendment that I will send to the desk soon expresses the sense of this Senate that we are going to change the way we do things; that instead of merely passing an appropriations bill, a supplemental bill, a dire and much needed appropriation bill, having to do with the disaster of the flood in the Midwest. Instead of merely passing the appropriations bill and figuring out how we are going to pay for it later, we are going to change the way we do business in that we are going to pay for this disaster.

Earlier in the House there was a vote that allowed for a rule to be accepted essentially avoided the need to have an offset. There were a number of Members of the House who were urging a slightly different course of action. They said if we are going to have an appropriation, we should have an offset.

Madam President, I am saying in this particular amendment that we place a temporary Federal tax on gasoline to generate the money that is necessary to pay for this particular disaster. Thus, we are essentially passing the collective hat.

We hear constantly that the American people are compassionate; they see the disaster in the Midwest and they are prepared to fund that disaster; they are prepared to provide assistance to people, to farmers in particular, who have lost an entire year's crop; they are prepared to fund loans and other sort of grants to communities and businesses and homes that have been negatively impacted. I think those who are expressing that sentiment, such as myself on many occasions, have been absolutely right. The American people are prepared to respond to this disaster. They see the tragedy, they understand the nature of the tragedy and they are prepared to respond.

What this amendment does, Madam President, is it says we are going to change the way we do things when we see a disaster of this kind. Given the urgent need to get our deficit under control, given the urgent need to stop the sort of blind borrowing that goes on here in Congress, given the urgent need to say to the American people that we are going to do some things differently, this amendment says that we are indeed going to do things differently.

Madam President, earlier today, the senior Senator from Nebraska presented to me a document having to do with the reconciliation bill, the President's economic plan. There are many myths that have been perpetuated about the President's economic plan, specifically, that the Senate deficit reduction bill will increase tax rates on most Americans and Nebraskans.

The Senator from Nebraska [Mr. EXON] accurately described that to be false and indicates that a relatively small number of people will pay more taxes and that, in fact, those will be completely offset by the much, much larger number of people who actually have a tax reduction.

He talks about the deficit reduction bill, that rather than hurting small business, it will actually help small business. He talks about the impact upon corporations. There are many people concerned about the impact upon raising the corporate rate, but it only impacts those corporations that have incomes over $10 million.

He talks about the impact upon agriculture. He talks about the very, very small impact upon Social Security recipients. He talks about the allegation that there are grassroots organizations out there that are opposing this, and he refutes that by identifying the dominant one as being controlled by, in fact, someone who is running for the Republican nomination for the Senate in Virginia. He talks about a number of other things that essentially says: Here is the myth and here, in fact, are the facts; here is the truth.

I ask unanimous consent that this myth versus fact document be printed in the RECORD.

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

THE SENATE DEFICIT REDUCTION BILL—MYTH VS. FACT

Myth: The Senate Deficit Reduction bill increases tax rates on most Americans and Nebraskans.

Fact: False. The only tax rate increases are on those individuals who have more than $115,000 in taxable income after deductions and those couples who have more than $140,000 in taxable income after deductions. Using the latest data available, as verified by the Nebraska Department of Revenue, this represents only 5,345 tax returns filed in Nebraska (0.76 percent) which would be subject to this tax rate increase.

Conversely, 82,772 tax returns filed in Nebraska (12 percent) could qualify for the Earned Income Tax Credit reduction in taxes. Depending on the number of children in a family, taxable income levels up to $27,000 per year could qualify for a tax break under this bill.

Myth: The Senate Deficit Reduction bill increases taxes on small business, killing the biggest engine of U.S. job growth.

Fact: False. There is no small business tax. Most small business owners file individual—not corporate—tax returns as owners of proprietorships, partnerships or so-called Subchapter S corporations. Only such small businesses and individuals who earn more than $115,000 or couples who earn more than $140,000 per year will see their taxes increase. These business owners pay taxes only on their profits after deductions are taken for expenses like paying wages and making new investments to expand. Further, the House and Senate are now negotiating tax breaks for small business. Jobs will be created not

lost. Over 90 percent of small businesses would pay no more and some even less under the Deficit Reduction bill.

Myth: The corporate tax rate increase will take money out of businesses and cost jobs.

Fact: The corporate tax rate will only increase from 34 to 35 percent, and only for those corporations with profits of $10 million or more. Again, profits are computed after deductions are taken for expenses like paying wages and making new investments to expand.

Myth: The Btu tax will impact virtually every American and Nebraskan.

Fact: The Btu tax is dead. The Senate killed it and the Clinton administration now realizes it must be buried as well, but unfortunately many don't know this.

Myth: At a time of agricultural stress, this bill will hurt Nebraska agriculture.

Fact: False. The Btu tax is dead. The irrigation surcharge was killed by the Senate. The barge tax, which would have added 8 cents to the cost of each bushel of farm products, was killed by the Senate. Off-road agricultural use of gasoline or diesel fuel was exempted from the 4.3 cent per gallon transportation fuel tax. There is now no energy tax on agriculture in the Senate-passed bill.

Myth: The bill increases taxes on most or all Social Security recipients.

Fact: Wrong. The Social Security tax was changed in the Senate to exempt most middle-income seniors from the tax. Under the Senate bill only seniors with total income above $32,000 as individuals or $40,000 as couples per year will be subject to the tax increase. Clearly, only higher-income seniors will not have to pay any tax increase.

Myth: Many "grass roots" groups like the Citizens for a Sound Economy (CSE) are opposing this plan.

Fact: Let's look at a couple of the most prominent "grass roots" groups who are opposing this bill. The most prominent has been the Citizens for a Sound Economy, which has been running ads and holding press conferences in Nebraska and all over America. The Chairman of CSE is Mr. James Miller, who is currently running against Oliver North for the Republican Senate nomination in Virginia. Jim Miller was Director of the Office of Management and Budget from 1985 through 1988 when the national debt was increased by $784 billion.

The CSE was the brainchild of the Koch brothers who own the largest independent, privately-held oil company in America. David Koch is the Chairman of the CSE Foundation. David Koch ran for Vice President on the "Libertarian" party ticket in 1980. That party's platform included legalizing drugs and prostitution, ending public education, abolishing Social Security, Medicare, and Medicaid, repealing all taxes and privatizing almost everything in America. Koch Industries have a Political Action Committee (PAC) and are large Republican party contributors. That hardly describes a legitimate "grass roots" group.

Between 1986 and 1990 and Koch Foundation gave CSE $4.8 million. The CSE still receives more than $500,000 annually from the Koch Foundation. A CSE spokesman said the organization has 250,000 members who contribute somewhere between $4 and $10 million to its coffers. The CSE is not obligated to release any information about its membership or finances as is the case with other group spending thousands of dollars on advertising.

Myth: The enactment of the Senate-passed bill will simply be a repeat of the 1990 Budget Agreement experience and will not help Americans and Nebraskans.

Fact: One of the little-discussed aspects of this plan is that its enactment would help to keep interest rates at their current low level. Mortgage interest rates are at their lowest level in 20 years and interest rates across-the-board are very low as well. Low interest rates help virtually every American from farmers to business owners to home owners. Testimony from economic experts including the Chairman of the Federal Reserve Board has uniformly indicated that passage of this level of deficit reduction will help maintain low interest rates.

The 1990 Budget Agreement fell short of the mark mostly because of the recession which lowered revenues, the Persian Gulf War and greater-than-anticipated spending on entitlement programs such as Medicare and Medicaid. Both political parties agree that our current budget estimates are based upon honest and conservative economic assumptions. Additionally, the Senate and House are now negotiating on an agreement which will place a cap on both federal discretionary spending and entitlement spending, including Medicare and Medicaid. There are significant differences between the 1990 Budget Agreement and the 1993 Senate-passed bill.

Conclusion: This bill is easy to criticize but it's the only chance we have now to begin deficit reduction. Provided the House-Senate conference agrees on a report that generally follows the Senate-passed version, it is my best judgment it should pass.

Mr. KERREY. Madam President, in spite of the truth of the senior Senator from Nebraska, there is still a great deal of distrust out there, at least in the State of Nebraska and I suspect throughout the country, about what this deficit-reduction package does.

One of the reasons that there is distrust is that they look to Washington, DC, and they see, for the large part, that it is still sort of business as usual; that if we find something that we really want to spend money on, it is relatively easy to get a majority, it is relatively easy to put together a coalition.

I heard earlier the distinguished Senator from New Mexico talking about the need to have Republicans and Democrats coming together for deficit reduction. He is absolutely right. The problem, Madam President, is it is difficult to do that.

What is not difficult is to get a majority to come together when there is a dire emergency appropriation. When the time comes to spend money—particularly when we do not have to really go to the American people and ask them to pay for it—when the time comes to spend money, we get Republicans and Democrats coming together.

You do not hear any talk then about the President not consulting us. You do not hear any talk then about, "Gee, the President has not called me up lately and asked me to participate in this."

Quite the contrary, Madam President, you see Members on both sides of the aisle rushing as quickly as possible to embrace the President, thanking him for declaring the disaster, knowing that in the end we are not going to be held responsible for this; that in the end, all we are going to have to do is simply vote aye and issue our press releases and take credit for the hundreds of millions of dollars that will roll into the States that are affected and restoring the economic health, as we ought to, Madam President. And knowing, as well, that we are not going to be held accountable; that we are not really going to have to pay for it; that a full third of it, at least, is going to be paid for by selling bonds once again.

Of the $10 billion appropriation, Madam President, somewhere around $2 billion of that will be funded as a consequence of the Treasury going up to Wall Street and saying once again we are going to sell some more bonds.

I do not dispute the disaster. At least $300 million of that disaster exists in the State of Nebraska. I have argued for and will continue to argue that the Federal Government ought to provide a safety net to restore the economic health when there is a disaster that is outside of the control of human beings in our States.

Madam President, this is a 500-year disaster. It is similar to Hurricane Hugo and other sorts of disasters that have ravaged our countryside in the past.

We are saying to the American people that now is the time for change. We are saying to the American people we are going to change the way we do things.

Madam President, if that is the policy, if that is the principle, then it is time, in my judgment, for us to change and say, yes, we will pay for this disaster. We will provide resources to restore the health of our communities, but we are going to pass the hat today and not say to our children this is one more thing that we are going to spend. "Here is one more thing that we are going to spend in the current year and ask you to pay for it over the course of your working lives."

The most rapidly growing account in our budget, as both the distinguished chairman and ranking member of this subcommittee not only know but spoke very eloquently about, is the net interest on our debt, the amount of money that taxpayers have to pay merely to service the national debt. The net interest today is in excess of $215 billion a year and growing very rapidly. Compounding interest rates are working against us, Madam President, rather than working for us.

There is a very simple reason why. It has to do with the desire to get something for nothing. It has to do with the ability to basically say, "Yes, we are going to get together—Republicans and Democrats—one more time, because we see an opportunity to spend money. However, we are not going to be getting together when it comes time to pay the bills."

Madam President, does the distinguished chairman wish me to yield to him?

Mr. HOLLINGS. Will the distinguished Senator from Nebraska yield? I think we have a unanimous consent agreement.

Mr. KERREY. I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. HOLLINGS. Madam President, I ask unanimous consent that the committee amendments to H.R. 2519 be considered and agreed to en bloc, with the exception of the amendment on page 83, lines 12 through 16; the amendment on page 8, line 16; the amendment on page 71, line 21 through page 72, line 18; the amendment on page 72, line 25 through page 73, line 10; provided that no points of order are waived thereon and that the measure, as amended, shall be considered as original text for the purpose of further amendment.

That has been cleared on both sides.

Mr. DOMENICI. Madam President, it has been cleared on this side.

Reserving the right to object, and I will not, I understand, however, that the Senator from Nebraska will not amend any of those 4; that he will amend the bill.

Mr. HOLLINGS. That is right.

Mr. DOMENICI. I have no objection.

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

Mr. HOLLINGS. Madam President, if the distinguished Senator from Nebraska would yield further, let me pick up a couple of points, if the Senator does not mind yielding for a minute.

We are going to have to send the amendment up.

AMENDMENT NO. 697

(Purpose: Expressing the sense of the Senate that disaster relief payments during 1993 be funded by a temporary gasoline tax)

Mr. KERREY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 697.

Mr. KERREY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . FUNDING OF DISASTER RELIEF PAYMENTS.

It is the sense of the Senate that disaster relief assistance for disasters occurring during 1993 should be funded through the enactment in the Omnibus Budget Reconciliation Act of 1993 of a temporary Federal tax on gasoline.

Mr. HOLLINGS. Madam President, the distinguished Senator from Nebraska, as I understand it, has an amendment to the effect that we instruct the conferees of the omnibus budget reconciliation bill, that is now in conference, that the emergency funds for the flood victims in the Midwest be taken care of by a gasoline tax, if I remember correctly.

Mr. KERREY. By a temporary gasoline tax.

Mr. HOLLINGS. By a temporary gasoline tax. I did not want to misstate it.

Madam President, I admire the sincerity and dedication with which the Senator from Nebraska, as a former Governor, approaches these budget problems. There is not any question that he is a product of balanced budgets in his home State and has led the way and feels very keenly the disorder that we have here in Washington, just like this Senator from South Carolina, and at every opportunity he has turned to try to bring us to a sobriety and awareness of where we are headed. Perhaps now we may solve even a bit of the problem; in this particular instance, the emergency funds necessary for those flood victims.

I happen to disagree on this particular score, having been through the emergency just 4 years ago with Hurricane Hugo. We could not wait at that particular time. We should not be waiting now in light of the overall predicament in which we find ourselves; namely, under the present budget for this fiscal year the deficit would amount to some $341 billion. There has been a reestimate, they say on that, for some $25 billion less. So we have picked up $25 billion and we want to debate, and debate it will be, with respect to this particular direction to the conferees in the omnibus reconciliation conference, because I know, with respect to the gasoline tax, no one is objecting to a tax.

I have been running around here, trying to do more, as the distinguished Senator from Nebraska wants, on a broad-based consumption tax. But I emphasize, a broad-based consumption tax that falls on everybody. Knowing that from Federal highway trust fund we gain, from Federal taxes right now, about $19 billion, we spend $12 billion on highways and bridges but we cart off some $7 billion or more each year for the deficit. Working with the destroyed highways and fallen bridges and everything else of this kind, here I am not spending the money the traveling public has already contributed by way of their own tax payments into that particular fund, and here now we are going to use that particular fund, a gasoline tax, for a special assigned mission with respect to disasters. I think, yes, you are going to have to pay for the disasters. But I think we are all going to have to pay. That would be one of my objections.

But I do not think this is the appropriate legislation on which to address this matter—on State, Justice, Commerce, an appropriations bill—even if we could get it passed this week, the best we can do, perhaps, is reconcile the difference in the conference itself, after Labor Day: The reconciliation conference is bound to come out one way or the other before that time.

So on those two scores I would be prepared to move to table the amendment of the distinguished Senator, regretfully. Because, as I say, I admire his sincerity of purpose here. He has been very conscientious and very disturbed about bringing deficit spending under control. You can tell by his comments and the way he goes at these problems. I like it. I wish we could get him and others to get wrought up over this deficit tax for which we raise $1 billion a day.

We constantly talk about the largest tax increase, some $243 billion, in the reconciliation conference right at this moment. That is the way it stands, at $243 billion over 5 years—totally ignoring, of course, the $310 billion deficit tax increase by way of interest payments that is occurring right under our feet here.

So, with that I feel the same way, we cannot give instructions on this bill to the reconciliation conference. Anyway, I think it would have an adverse purpose if it worked. Using that logic, every Senator ought to come down and tell us how he thinks that amendment such and such ought to come out in the reconciliation conference and put his amendment on this bill and then we would really have a Christmas tree of amendments around here.

So either way it is a lose-lose situation.

But let me yield to my distinguished colleague to hear further on this amendment.

Mr. KERREY. I thank the Senator from South Carolina. I do not refute the difficulty in putting this on this particular bill. I must say I am troubled by it. But I am much more deeply troubled, Madam President, by the willingness to go along, the willingness to say this is something we have always done, we have always done it this way.

I have had lots of people with whom I have discussed this say, "You do not understand." They say, "We always do the disaster programs this way." That is the problem.

I acknowledge, in fact, the leadership of the Senator from South Carolina on a broad-based consumption tax. I support that idea deeply. I know the distinguished Senator from New Mexico has participated in an effort to get this body to consider a tax that is actually relatively similar, at least the foundation principle is that we ought not to be out there trying to figure out which income stream to tax. We ought to tax according to the disposition of that income. We ought to focus on the need for people to save and people to make productive investments in order to increase employment. I am prepared to go in that direction as well.

I was just looking, in this particular instance, for a way for us to pay given the current tax structure. I suspect there are going to be an awful lot of people in Nebraska who will say that they are against a tax increase on gasoline. I understand that. But my question right back would be how do you want to pay for it? How do you want to pay for this disaster program you are asking me to vote for? That is the problem.

I have lots of people coming to me saying, "Why do you not vote for national service? We want that program. Why do you not give me a little more money for Medicare. Give me just a little more money for Medicaid," they will say. "Senator, I have a couple of more bridges I would like to build. There are a couple of other things I would like to do."

It is time to look our citizens dead in the eye and say, "I love what you want to do but how are you going to pay for it? How are you going to pay the bills?" I think it is a good test for the American people right now, to allow the compassion they feel to be checked—checked with the requirement to pay for whatever it is they describe they want.

I believe strongly we must change the way we are doing things, change the attitude that we have toward expenditures, and that attitude has to carry over when we come face to face with somebody who needs help, regardless of what the origin of the help is. I fear, unless we begin to change in that fundamental way, change our attitude—we do not need to necessarily pass this constitutional amendment or that constitutional amendment. There have been all kinds of people coming down here to say what we need is a constitutional amendment to balance the budget, Democrats and Republicans, rejoicing at the idea that if we amend the sacred Constitution of the United States of America that will get the job done. All we need to do is amend the Constitution. Give the President of the United States a line-item veto. That will solve it. That will fix it. Once and for all, that is all we need to do.

That is not going to fix it at all unless we change our attitude, our personal, individual attitude, mustering the courage when people ask us for spending to say we are going to pay for it. Unless that attitude changes, it is going to be business as usual. It is going to be the same old stuff.

Not only do we suffer economically, not only do we suffer as a consequence of adding more and more debt, but the citizens lose confidence. The worst consequence of deficit financing, in my judgment, is the people lose confidence in our capacity to govern ourselves. Our ability to be able to make responsible decisions is eroded as a result of not being able to do anything about this fundamental problem that terrifies most Americans.

Madam President, I must say when it comes time to allow the distinguished Senator from South Carolina, which I am about ready to do, to move to table, it would not surprise me if there is only one vote in opposition. It would not surprise me to hear all kinds of reasons. "Basically I am for doing this in a responsible way," it will be said, "but you see I would rather do an offset." Or, "I would rather select a different taxing mechanism." Or, "We will do that next year." Or, "Maybe sometime out there in the future we will start doing it differently."

I think the time has come right now. This is about change. We talk about it every single day: Change, change, change. Madam President, it has come time for us to change our behavior, our actions, and say to the American people, "If you want, with compassionate hearts, to respond to a disaster, then we must pay for it."

I appreciate the time the distinguished Senator from South Carolina has allowed me. I am prepared now to yield.

Mr. HOLLINGS. Does the distinguished Senator want the yeas and nays or can we voice vote this? There will be a motion to table. We can record your one vote.

Mr. KERREY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Madam President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I ask unanimous consent to speak 30 seconds on this before we vote?

The PRESIDING OFFICER. Without objection, the Senator may proceed for 30 seconds.

Mr. DOMENICI. Madam President, let me say to my friend from Nebraska, frankly, I hope that in the not-too-distant future we can join together in an effort to make some real changes. I am not sure that I can do this in the midst of a conference. I do not know that I would want to disturb that conference. Even though I do not want it to succeed, I would not want to throw another burden on it and be accused of making it more difficult for the President to get his package.

Let me suggest that we need to change the income tax law—the Senator from Nebraska is aware of that—so we get productivity from savings and investment. We need to address the entitlement programs in this country, and the Senator has shown an enormous willingness to do those kinds of things.

We are not finished, whether this package of the President passes or does not. There is still a fiscal problem; there is still a deficit problem. And I look forward, in all sincerity, in working with the Senator from Nebraska in the ensuing months and years to see if we cannot fix this once and for all.

I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table the amendment of the Senator from Nebraska. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

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

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—92

Akaka	Ford	McConnell
Baucus	Glenn	Metzenbaum
Bennett	Gorton	Mikulski
Biden	Graham	Mitchell
Bingaman	Gramm	Moseley-Braun
Bond	Grassley	Moynihan
Boren	Gregg	Murray
Boxer	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Helms	Pressler
Burns	Hollings	Pryor
Byrd	Hutchison	Reid
Coats	Inouye	Riegle
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Roth
Conrad	Kassebaum	Sarbanes
Coverdell	Kempthorne	Sasser
Craig	Kennedy	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
Dodd	Leahy	Specter
Dole	Levin	Stevens
Domenici	Lieberman	Thurmond
Dorgan	Lott	Wallop
Exon	Lugar	Warner
Faircloth	Mack	Wellstone
Feingold	Mathews	Wofford
Feinstein	McCain	

NAYS—7

Campbell	Durenberger	Robb
Chafee	Kerrey	
DeConcini	Murkowski	

NOT VOTING—1

Bradley

So the motion to lay on the table the amendment (No. 697) was agreed to.

Mr. HOLLINGS. Mr. President, if we can get the attention of the colleagues—the distinguished leader, the Senator from Kentucky—it is my understanding now, the amendment that will come from this side, by the distinguished Senator from New York, relative to terrorism and the death penalty will be laid down. We would be prepared to debate it as long as the distinguished Senator from New York desires this evening.

The majority leader will be here shortly to confirm the arrangement whereby after we complete the debate we will probably put it for a vote tomorrow sometime.

So I yield to the distinguished Senator from New York.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, may I ask what the pending business is?

The PRESIDING OFFICER. The committee amendment is the pending amendment.

AMENDMENT NO. 698

(Purpose: To apply the constitutional drug kingpin death penalty procedures for terrorist activities and bombing offenses under section 844 of title 18, United States Code, that result in the death of a person.)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. STEVENS, Mr. DOMENICI, and Mr. LIEBERMAN, proposes an amendment numbered 698 to committee amendment on page 8, line 16.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of pending amendment, add the following:

. CONSTITUTIONAL DEATH PENALTY PROCEDURES FOR CAUSING DEATH BY TERRORIST ACTIVITY OR BOMBING.

(a) DEATH PENALTY PROCEDURES.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Definitions.
"3592. Sentence of death.

"§ 3591. Definitions

"In this chapter—

"'capital offense' means an offense that constitutes—

"(A) a violation of subsection (d), (f), or (i) of section 844; or

"(B) a terrorist activity.

"'terrorist activity' means—

"(A) the highjacking or sabotaging of an aircraft, vessel, vehicle, or other conveyance;

"(B) the seizing or detaining of a person and threatening to kill, injure, or continue to detain the person of the purpose of compelling another person (including a government organization) to perform or refrain from performing any act as an explicit or implicit condition for the release of the seized or detained person;

"(C) a violent attack on an internationally protected person (as defined in section 1116(b)(4)) or in the liberty of such a person;

"(D) an assassination; and

"(E) the use of a biological agent, chemical agent, or nuclear weapon or device with intent to endanger, directly or indirectly, the safety of a person or to cause substantial damage to property.

"§ 3592. Sentence of death

"(a) IN GENERAL.—A sentence of death for a capital offense may be imposed only if—

"(1) the defendant caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r)), except that for the purposes of a violation of that law, the references to "this section" in section 408(g) and (h)(1) and "subsection (e)" in section 408(i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to that subsection.

"(b) EXCLUSIVITY.—No rule of law, including a rule contained in a law under which an offense is committed, may be applied in determining whether a penalty of death shall be imposed in a particular case, other than the procedures described in subsection (a). Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act notwithstanding any other provision of this Act.

Mr. D'AMATO. Mr. President, last year Senator STEVENS and I proposed legislation dealing with terrorist activities. Our legislation was intended to deal with a situation that should have been remedied and must be remedied, and the sooner the better; that is, although we have provided for that, although we have in the statutes on the books a death penalty for bombing, that death penalty is inapplicable. It has been found to be unconstitutional. I will tell you why.

It is because, unlike the legislation, which we passed, which provided for the death penalty for the drug kingpins who ordered the assassination—I know that my colleagues remember what gave us the impetus to do that. It was a young police officer, Officer Byrne in New York City, who was so brutally murdered, was assassinated as he sat behind the wheel of his automobile providing protection for a drug witness. Then we learned that he had been ordered, by a punk who was in prison, to be assassinated. They put out a contract on him. They came up, put a gun into his window, and he never had a chance. It could have been any officer, anyone on duty. And he was viciously, brutally slain.

We proposed at that point in time that enough was enough, and that we certainly had a duty and an obligation to see to it that those who had ordered the execution of someone else, the drug kingpin, whether it be a police officer or anyone else, any other citizen, that they would pay with their life.

In so doing, we designed the legislation so that we provided for those contingencies which the courts have said safeguards against the taking of a life without due regard to the Constitution—we provided constitutional guarantees and mitigation, where there are mitigating circumstances as it related to the death.

That was not the case in the legislation that covers bombing.

So, Mr. President, if there are convictions of those who have been accused of the malicious terrorist bombing of the World Trade Center that took 6 people's lives, that injured 1,000, that cost in economic terms almost half a billion dollars that held the Nation hostage and gripped it with fear, notwithstanding a conviction, the prosecutors in that case could not seek the death penalty because the Supreme Court has found, as it relates to bombing in the case, that there are not the provisions for mitigating circumstances.

Mr. President, what we are doing today with this legislation is seeing to it that we have provided a death penalty for terrorists and terrorist activities that result in death, whether it be by bombing, or by assassination. And I believe that the people of this Nation want to know that those who would be willing to hold our Nation hostage, those who would be willing to assassinate a head of state or a Federal official, will pay with their lives.

I believe that the events of the past 6 months provide us with a clear understanding of the dangers of terrorism. And this is just beginning.

Terrorism is a new form of warfare. We find state-sponsored terrorism has arrived on our shores. I must say to you that it was very gratifying when the President of the United States called this Senator. At first, I did not believe it was the President, because I have had some friends spoof me before. After the death threats had been made public against the Secretary General of the United Nations, President Mubarak of Egypt, and this Senator, as well as a New York State Legislator by the name of Dov Hikimd, I had a number of people who called and mimicked that they were not favorably disposed toward me and I better watch myself. Most were friends who were good-naturedly spoofing me.

So when, Friday, the 25th of June, my staff told me that the President was calling so, naturally I figured it was one of my friends who was continuing this spoof. So I answered the phone rather tentatively and said, "Yes." They said, "Hold on for a minute, Senator; it is the President." I figured again it would be Larry Elovich, a local lawyer and friend of mine back in Long Island, who has been known to pull these pranks on me. He said, "Al," with this southern drawl. I said, "Yes, Mr. President." He said, "I saw you poking that big pencil into me and the "Taxasaurus.'" Then I knew it was the President. I said, "No, Mr. President, it was not you. It was my colleagues in the Congress."

He then went on to say—and I have to tell you some people might say it is good politics, but I say at least the

President took the time out—and I am deeply appreciative of that—to say he was concerned for my safety and the fact that I had to endure this kind of situation, a threat, a terrorist threat placed against me, or the possibility of an attempted assassination. It was more than politics. I think it was just wonderful that he took that time out to speak to me.

He went on to say that he intended to deal with terrorists in a very forceful manner, and those who sponsored terrorism. I could have predicted to you—as a matter of fact, I was interviewed later that evening for a program not shown until Sunday—that he was going to take tough action against Iraq. He did not tell me he was going to order the missile strike against Iraq. But I salute him for undertaking that act.

Maybe some will say, well, he did not go far enough, or he went too far. Let me tell you, we should not be second-guessing our President when it comes to these kinds of things.

Just as Ronald Reagan ordered an attack against Libya, because of terrorist attacks that were made against our young men serving in Germany, once it was determined that the Libyans were connected with the bombing of the LaBelle Night Club and a number of them were killed; he ordered a bombing attack at Mu'ammar Qadhafi's headquarters. We supported that action.

President Reagan was right, and I tell you that President Clinton was right in saying to these nations that you cannot plan an assassination of our former President, or any of our officials, or take the lives of our citizens and think that this Nation will not respond. He was right.

Mr. President, we better understand that the magnificent work of the FBI and the intelligence units of New York City in arresting almost a dozen—and I believe there may still be a warrant out for one or two of these characters—does not mean that this network is smashed, or that there are not many others, and that that is the end of state-sponsored terrorism or terrorist attacks that are undertaken by different fanatical groups.

We have to understand that this is a new kind of warfare and, indeed, the Iranians are deeply involved in this kind of activity, an activity where they will single out targets and people, an activity in which they have paid tens and tens of millions of dollars to various groups; and that our people must be prepared to undertake whatever is necessary to let these terrorists—whether it is state-sponsored terrorists or others—know that we will not bend to their will. We will not allow them to hold America hostage. We will not be intimidated and, indeed, we are going to fight it at every front here at home, by using the best counterintelligence tactics known, because we have the best domestic intelligence agency, and one that is mindful of people's rights and still does the job, and that is the Federal Bureau of Investigation.

They did an outstanding job in this situation. And we are going to see to it that on the international scene we send the right message to terrorist nations that they will be dealt with accordingly.

I am sure, Mr. President, as I had predicted back in 1991, that the assassination of Rabbi Meir Kahane, was not a case where one man had undertaken this action alone. Indeed, we are finding more and more compelling facts that are coming to the surface that indicate very clearly that there was a network. Since that time—and I regret very deeply that those who should have been investigating all of the circumstances around that killing did not. I am talking about here on the Federal level—were not looking to see just how far this conspiracy that deprived someone of their civil rights and life had gone, and that we did not go further in determining just how extensive this network was.

Now we have a situation where, indeed, many of the very people who were outside the courtroom protesting the prosecution of Sayyid Nosair, who while he was not convicted of killing Kahane, was convicted of weapons possessions and other crimes, and was sent to prison for 6 to 21 years. Indeed, we find that his cousin, is alleged to be one of the main culprits in the bomb plot and has been charged with planning to undertake a whole series of terrorist attacks that went beyond the World Trade Center.

We are talking about the bombing of the U.N. headquarters, bombing of the FBI Building, and the bombing of various highway tunnels in New York that people are dependent upon, and the mass destruction that could have been caused. As a result of this intelligence work undertaken by the FBI, they were precluded from undertaking these attacks, or the assassinations that they had contemplated.

Make no mistake that these bombings have been going on. I am not suggesting that all these bombings throughout the Nation have been bombings which are inspired by foreign governments. But I will tell you that there is no doubt in this Senator's mind that the Iranians are behind this new kind of warfare, and that the United States and our interests are being regularly targeted. Some of the groups that conduct terrorism are not even aware of where the funds are coming from; that there are funds coming to support their activities from the Iranians.

Let us look at the record. In 1991, according to the FBI, there were over 2,400 bombings. That is incredible. I wonder how many of us were aware that this is what is taking place. We are a Nation that is under assault by the use of these kinds of tactics—bombings. In 1991, there were 230 injuries and 289 people were killed. Property damage went into the millions. Of course, when we speak about the World Trade Center bombing, we have a different situation where in one incident we had the killing of 6 people, the wounding of 1,000, and over $500 million in losses to businesses and property damages.

Let me share with you what the numbers are as it relates to the latest report. From 1990 to 1991, according to the FBI, we had an increase in bombings of some 58 percent. But let me go over possibly I think in more graphic terms starting in the year 1982.

In 1982 we had a total number of 795 bombings. In 1983, we had 687. In 1984, we had 804. In 1985 we had 847. Let us go to 1988. We had 977. So from 1982 to 1988, we had maybe an increase of 100-plus bombings.

But take a look at 1989. We go from 977 up to 1,208. And the next year we go to 1,582; the next year, 1991, we go to 2,499. So over a period of 3 years we have an increase of well over 200 percent.

Mr. President, let us understand that this is not by coincidence. Let us understand that there are people who are unstable who are utilized in these terrorist attacks. Do not believe because you find a nest of people you might consider to be radical they may not be directly financed by a foreign government in terms of undertaking these kinds of attacks. As a matter of fact, that makes it much more difficult to ascertain who the prime mover—who the originator is in these kinds of attacks.

Indeed, when there was some who suggested, including this Senator, that the KGB was behind the attempted assassination of the Pope some 10 years ago, there were some who ridiculed that. Even our own intelligence agencies were putting out stories how was it that this fellow Mehmet Ali Agca, a half-crazed Turk, that he would be used in connection with this kind of such a visible figure, such a worldwide figure as the Pope. It made perfect sense because even if you were to capture this individual, what would his credibility be as it related to how he was financed, where he traveled, where he got his resources, where he got his training, if he was a person who was rather unstable.

So let us understand that in the arsenal of this new phenomena, rather than new, in terms of terrorist attacks by way of assassination or by the way of bombing, which is a way in which we see more and more of these activities carried out, that you will not always find the character that you see in the movie who moves with great stealth, who is an expert at munitions, who is an expert in martial arts, who is an expert in disguise, but indeed you will

find in some cases some rather pathetic looking characters who have been utilized because they are never privy to the prime source and who the mover is and where the funds came from. When the authorities attempt to trace back who gave them their instructions, at some point in time it looks rather ridiculous and their stories lack credibility.

That was the case in the attempted assassination of the Pope. And I think more and more and, hopefully, we will get some help someday from the Bulgarians that will, I believe, substantiate those who have contended that the KGB by utilizing the Bulgarians and this pathetic, half-deranged Turk was behind that assassination.

Similarly, this Senator is suggesting to you that state-sponsored terrorism is real, that it is alive, and that while we have the ability to strike targets abroad, and the President in ordering the strike against the Iraqis for their attempted and foiled plot to assassinate former President Bush, while he was correct in doing that, we have a gaping hole in our domestic battle as it relates to dealing with those who are convicted of terrorist attacks; that is, we do not have the ability to impose the death penalty.

That is what this legislation will empower us to do. I think it is right, and I think it is just, and I think the American people demand this is something that should be undertaken.

Let me conclude by saying that I understand that there are some who may have doubts in terms of the effectiveness of this legislation—whether it will deter those who are indeed committed to carry out this kind of activity, who are willing to sacrifice their life in their blind adherence to their beliefs.

I think when innocent people are slain, just as in the case of Officer Byrne, just as in the case of those who died for no reason other than they found themselves in the World Trade Center when the bomb went off, the death penalty is appropriate for these kinds of cases where there are no mitigating circumstances, where you can show very clearly to the jury that this was done with total disregard for the lives of others, for innocent people.

I believe the American people want this legislation. I believe that in terms of us enacting parts of it heretofore which provided the death penalty in certain bombing cases that what we are doing is rectifying the omission of not providing those constitutional guarantees that the Supreme Court said must be contained in any such legislation.

That is the purpose in this Senator introducing it, and I would hope that we would pass it speedily along with this bill, and that we would hold out very strongly to see to it that our colleagues in the House also adopt this legislation.

Mr. President, I see the distinguished chairman of the committee rising.

Mr. HOLLINGS. I ask the distinguished colleague if he will yield for a question.

Mr. D'AMATO. Certainly.

Mr. HOLLINGS. Am I to understand that this particular amendment of his would compel the death penalty for those involved in terrorist activities that resulted in death; is that correct?

Mr. D'AMATO. It would make it possible for that to be sought, for the penalty to be sought.

Mr. HOLLINGS. Make it possible for it to be sought?

Mr. D'AMATO. Yes.

Mr. HOLLINGS. But not mandatory.

Mr. D'AMATO. Not mandatory, not at all.

Mr. HOLLINGS. As a matter of interest, the terrorism we recently witnessed up there in New York, since the terrorist definition, as I understand it, refers only to aliens——

Mr. D'AMATO. Pardon me?

Mr. HOLLINGS. Refers only to aliens.

Mr. D'AMATO. No.

Mr. HOLLINGS. American citizens alike?

Mr. D'AMATO. The source of this provision explaining the terrorist activity is the Immigration and Nationality Act. We refer to them.

Mr. HOLLINGS. One thing I was trying to understand and I was given, I think by your staff, a copy of the source of the definition of "terrorist activity" in your amendment. I am looking at section 212 of the Immigration and Nationality Act of 1990, "Terrorist Activities." In general, "any alien who has engaged in terrorist activities, or consular officer or attorney general knows or has reasonable ground to believe is likely to engage"—any alien, who is hijacking, seizing, obtaining, violent acts, assassination, the use of firearm, biological agent.

I am just wondering. Of the majority of those involved in the New York bombing that we know about now, that have been apprehended, are they aliens or citizens?

Mr. D'AMATO. No. This would cover people whether they were citizens or aliens and is not described as such in the definition of terrorist acts. The death penalty might be applied to people whether they are citizens because indeed even in this pending case, the matter in New York, I believe there may have been several citizens, although the death penalty is not applicable to them. Under this provision, it will be applicable to aliens, to citizens, to illegal aliens and legal aliens.

So it would cover the whole scope. We use terrorist as defined in our definition of terrorist activity. We describe the activity but not the individual. So it would apply to any individual, whether it is a citizen of the United States or an alien.

Mr. HOLLINGS. Very good.

If the Senator will yield, I will comment that this particular Senator, not as the manager, but as an individual Senator, is in sympathy with the amendment of the distinguished Senator from New York, and appreciates the initiative he gives to this serious problem at this particular time.

So I want to put the Senate on notice that those who really are opposed to the death penalty, period, they should be heard from or come to the floor and be heard on this score.

I can well foresee developing in our civilization where we will not need the death penalty someday. But, having had to operate, for example, the penitentiary, and knowing the inmates, and talking behind that wall and dealing with them over the years and everything else, if you did not have that death penalty, in many instances they would eat each other within the prison system itself.

There has to be that ultimate penalty. It is unfortunate we have not advanced to the understanding of society that many of our colleagues have that oppose the death penalty.

I do not go along with those that say it is not a deterrent. That is like telling this particular Senator that deregulation is working.

I had to buy a ticket last week for my wife to fly from Washington to Charleston and back. A round-trip ticket was $698, coach class—$698.

I saw where a ticket could be had to fly from Washington to Frankfurt, Germany, and back for $279.

But they are constantly coming up with these reports that deregulation is working. They have a wonderful commission, I say to the Senator, right now studying it. But I can give the result of the study in one word—deregulation. That is what has happened.

We had public convenience and necessity. Little cities and towns built the airports out in the counties. They went to the airlines. They came up to the CAB and made a presentation on the basis of convenience and necessity.

Now we have gone haywire, whereby, on the one hand, you have the study of trying to keep them competitive—namely, to keep them in business; it has nothing to do with the traveling public's convenience and necessity. Then on the other hand, we have the regulated taking over the deregulated—KLM taking over Northwest; British Air taking over USAir. And they will get the favorable routes, all in this great compulsion: "Got to get rid of the Government. The Government is the problem. The Government is not the solution."

So deregulate, deregulate. And we have come full circle. So the deregulators have taken them over.

And in a similar fashion—I do not mind aligning myself in the direction the Senator from New York is now

moving—we will continue to have even a greater increase in the terrorist activity which we are now experiencing if we don't do otherwise. So I sympathize and support and would vote for the amendment of the distinguished Senator from New York.

Those who are opposed or want to debate it further, please come to the floor.

I thank the Senator.

Mr. D'AMATO. I thank the distinguished chairman and manager of this bill.

I think that I should not go further, because the Senator has said it well.

Indeed, without the death penalty, in circumstances that we now have, I think we would see far more in the way of killings.

Indeed, I think it sends a signal, though, that we are determined to take this on; that we have the national will and the national resolve, and that if you are going to undertake these kinds of activities, you will pay with your life. And, further, some of these acts are just so desperate, they are so depraved that the appropriate punishment for that kind of conduct is forfeiture of one's life.

I might say, Mr. President, that I hope we can have a debate for an hour tomorrow morning, if need be, on this before a vote occurs.

I would ask for the yeas and nays, if that would be appropriate.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HOLLINGS. I ask the Senator to withhold on that. I do not intend to object. We have to check it on our side. If he could give us a little time, maybe we would have to suggest the absence of a quorum to be able to check it on this side.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. D'AMATO. Mr. President, let me also say that I find myself in an unusual position, but you have to call them the way you see them.

Today I have been very critical of some of the President's economic policy, as it relates to spending and taxing. But as it relates to this battle against international terrorism, the President today advanced legislation that I think is part of this process. I hope that we will enact it as speedily as possible.

I am talking about that area of the law that also, again, has just a gaping hole as it relates to the failure to give to our Immigration and Naturalization Service sufficient help in the way of manpower, resources, and authority to close down smuggling rings that are operating just with an openness in front of all the officials, and the officials' hands are tied.

We see people who are coming from London, who get on an airplane, who come from a Third World nation, let us say Iran, or wherever, and get onto the plane in London, land in Kennedy, get off the plane, and they now have no documentation. Mysteriously, they lost it. Their passport is destroyed.

They say two words: "political asylum." Those two words guarantee them and give them a passport, literally, into this country, many of them not to be seen again.

The President today introduced legislation that will protect and keep this Nation—as it says on the Statue of Liberty, we welcome those huddled masses. We want to welcome the huddled masses, those who are in need of protection, but certainly not those who are drug dealers, those who employ people for drug smuggling, those who are involved in terrorist activities, and others who are entrapped in this.

I think the President made a significant contribution in advancing legislation that closes some of these loopholes. So I want to, at this point in time, when we are talking about trying to galvanize the Nation's resources, commend him for moving forward in this manner.

Mr. DECONCINI. Mr. President, Public Law 102-361 authorized the appointment of 35 new bankruptcy judges, including 2 for the Federal District of Arizona. These judgeships are needed to deal with the tremendous growth in bankruptcy filings which have occurred over the past 12 years. Factors such as major setbacks in real estate and construction and the general state of the economy led to a tripling of bankruptcy filings from 1980 to 1992. In 1992 alone, there were nearly 1 million bankruptcy filings representing over $100 billion in debt. While hearings on the legislation underscored the overwhelming need for the new judges, the funding has never been appropriated.

Without the relief of these additional judgeships, our bankruptcy court system will remain overloaded. As a consequence of the backlog, both debtors and creditors continue to suffer needlessly. The bankruptcy committee of the Judicial Conference states that the threshold for the creation of an additional judgeship is 1,500 weighted case hours per judge. All of the requests for permanent judgeships exceed that case load by at least 160 hours per judge, some by as much as 1,850 hours.

The District of Arizona set another record for bankruptcy filings in 1992—19,883 cases. Although bankruptcy filings in Arizona and the rest of the Nation dropped during the first quarter of 1993, these new judgeships remain fully justified based on current caseload. Furthermore, Arizona has a large number of complex chapter 11 filings which require significantly more resources than other types of cases.

Although there is no specific appropriation for these judges included in the bill before us today, I want to make it clear that I believe the courts should make funding of these judgeships a priority. I urge my colleagues in conference to support an appropriation which provides sufficient funds to the courts for these judges.

Funding new bankruptcy judges is critical to get cases involving bankrupt individuals and businesses resolved in a reasonable amount of time. The return of businesses and individuals to productive livelihoods ultimately benefits our country as a whole.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am informed on this side that those who were not able tonight to clear the unanimous-consent agreement will be present and ready to debate—I do not believe from what I have been told that there is any intention to delay; they just do not want to agree this evening—will be present and ready to debate with the distinguished Senator from New York as soon as we come back to this bill in the morning.

Mr. D'AMATO. That is wonderful.

Mr. HOLLINGS. I am sure you and the others who now have that concern will be able to get together on a unanimous-consent agreement.

Mr. D'AMATO. Fine.

Mr. President, I thank the manager of the bill and look forward to proceeding tomorrow morning, or whatever time we take up the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar 287. Robert R. Nordhaus, to be general counsel of the Department of Energy;

I further ask unanimous consent that the Senate proceed to immediate consideration of the nomination, that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Robert Riggs Nordhaus, of the District of Columbia, to be general counsel of the Department of Energy.

LEGISLATIVE SESSION

Mr. HOLLINGS. Mr. President, I ask unanimous consent the Senate return to legislative session.

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

CHANGE OF REFERRAL—S. 524

Mr. HOLLINGS. Mr. President, on behalf of the majority leader I ask unanimous consent the Energy Committee be discharged from further consideration of S. 524, a bill to designate Pittsburgh Aviary as the National Aviary of Pittsburgh, and that the measure then be referred to the appropriate committee of jurisdiction, Environment and Public Works.

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

REHABILITATION ACT AMENDMENTS OF 1993

Mr. HOLLINGS. Mr. President, on behalf of the majority leader I ask unanimous consent the Senate proceed to the immediate consideration of S. 1295, the Rehabilitation Act Amendments introduced earlier today by Senators HARKIN, DURENBERGER, and DOLE; that the bill be read a third time, passed, the motion to reconsider be laid upon the table, any statements thereon appear at the appropriate place in the RECORD.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1295) to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the act, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I rise today on behalf of myself and Senators DURENBERGER and DOLE to introduce the Rehabilitation Act Amendments of 1993. I urge its immediate consideration and passage.

During the 102d Congress, we passed Public Law 102-569, the Rehabilitation Act Amendments of 1992 and Public Law 102-421, the Education of the Deaf Act Amendments of 1992. The purpose of this bill is to make technical and conforming amendments to the Rehabilitation Act of 1973, as amended by Public Law 102-569 and the Education of the Deaf Act of 1986, as amended by Public Law 102-421.

This legislation has been reviewed by the members of the Committee on Labor and Human Resources from both sides of the aisle, the minority leader, who has been very active and supportive of legislation enhancing opportunities for individuals with disabilities, members of the House Education and Labor Committee from both sides of the aisle, the administration, and the disability community. This will enjoys the support of all parties.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

TITLE I—REHABILITATION ACT OF 1973

Title I of the bill includes technical amendments to the Rehabilitation Act Amendments of 1992 and the Rehabilitation Act of 1973.

Section 101. References

Section 101 of the bill provides that except as otherwise provided, references in the bill are considered made to a section or provision of the Rehabilitation Act of 1973.

Section 102. Rehabilitation Act Amendments of 1992

Section 102 of the bill includes technical and conforming amendments to the Rehabilitation Act Amendments of 1992, including a clarification that each State agency must comply with the amendments made to title I of the Act by the Rehabilitation Act Amendments of 1992 as soon as practicable, consistent with the effective and efficient administration of the Act, but not later than October 1, 1993.

Section 103. Definitions

Section 103 of the bill includes technical amendments to section 7 of the Act pertaining to definitions. These amendments clarify that the definition of "individual with a disability," as applied to titles II and VII, does not require an employment outcome. These amendments also make the definitions of "disability" in section 7(26) of the Act that are applicable to title III, VII, and VIII consistent with the definitions of "individual with a disability" in section 7(8) of the Act.

In addition, these amendments clarify that supported employment means work for individuals who require both intensive supported employment services provided by the designated State unit prior to transition to the extended services provider and also extended services provided by an extended service provider subsequent to the transition.

Section 104. Carryover

Section 104 of the bill clarifies that the carryover provision set forth in section 19 of the Act only applies to the Older Blind and PAIR programs when they become formula grant programs, and adds a provision making the carryover provision applicable to all program income received by recipients under the formula grant programs authorized under the Act, including reimbursement payments under the Social Security.

Section 105. Client assistance information

Section 105 of the bill amends section 20 of the Act pertaining to client assistance information by clarifying who is to receive client assistant information, i.e. applicants for services as well as recipients of services.

Section 106. Traditionally underserved populations

Section 106 of the bill makes editorial changes to section 21 of the Act pertaining to traditionally underserved populations.

Section 107. Vocational rehabilitation services

Section 107(a) of the bill makes technical amendments to section 101 of the Act pertaining to the State plan. These amendments change an incorrect subparagraph reference; clarify that States that have independent commissions, as well as States that establish Rehabilitation Advisory Councils, must describe in their State plans how their policies and procedures will be modified on the basis of consumer satisfaction surveys conducted by the State independent commission or the advisory council, as appropriate; and clarify that the allotment set-aside for section 123 purposes is to come from the allotment for the State vocational rehabilitation Services Grant program only and does not include the Client Assistance Program allotment;

In addition, section 107(a) of the bill clarifies that the independent commission is intended to be a designated State agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities; and clarifies that if a State has two agencies, one that administers 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 and one of the agencies has an independent commission that is consumer-controlled, the State rehabilitation advisory council need only be established with respect to the agency that is not consumer-controlled.

Further, section 107(a) of the bill corrects and clarifies cross-references in section 101(a)(36)(C)(ii) (I) and (II) of the Act that are reversed with respect to the State agencies identified in subparagraph (C) and makes the requirements in section 101(a)(36)(C) of the Act consistent with those in section 101(a)(36)(B) of the Act; and changes an incorrect section reference.

Section 107(b) of the bill makes technical amendments to section 102 of the Act pertaining to the individualized written rehabilitation plan.

Section 107(c) of the bill includes conforming amendments to section 103 of the Act pertaining to the scope of vocational rehabilitation services by making generic references to "qualified personnel under State licensure laws."

Section 107(d) of the bill conforms provisions pertaining to advisory councils to Commissions for the Blind to the provisions applicable to advisory councils to general agencies under section 105 of the Act. These amendments also specify 10 rather than 13 as the minimum size of a council advising a Commission for the Blind under certain circumstances and allow until October 1, 1994 to make changes when the composition of the Council is specified in State legislation.

These amendments also change an incorrect section reference; clarify that while appointments may be made to a State Rehabilitation Advisory Council by an entity other than the Governor, that entity must have broad appointment authority under State law and not merely limited to appointment authority over personnel within its own agency. For example, the State vocational rehabilitation agency would not qualify as an appointing agency;

In addition, these amendments clarify that funds used to reimburse members of the

State Rehabilitation Advisory Council for expenses are not to come out of CAP or American Indian grant funds.

Section 107(e) of the bill correct inconsistencies in the reallotment provisions in section 110 of the Act and the carryover provision in section 19, and clarifies that reallotted funds may be carried over for obligation by the end of the subsequent fiscal year—just like a State's original allotment—provided matching is met.

Section 107(f) of the bill corrects the margins in section 111(b) of the Act pertaining to payments to States.

Section 107(g) of the bill makes a conforming change in section 112 of the Act pertaining to client assistance programs by striking "facilities" and inserting "community rehabilitation programs." In addition, the section makes technical and conforming clarifications to the formula for the client assistance program.

Section 107(h) of the bill makes technical and conforming clarifications to the formula for innovation and expansion grants.

Section 108. Client information

Section 108 of the bill makes two freestanding requirements in section 137 of the Rehabilitation Act Amendments of 1992 ("Review of Data Collection and Reporting System" and "Exchange of Data") more easily accessible by incorporating them within the Rehabilitation Act itself (new part E of title I).

Section 109. Research and training

Section 109 of the bill includes clarifying editorial and grammatical changes to section 202 of the Act.

Section 110. Training and demonstration projects

Section 110(a) of the bill clarifies that under section 302 of the Act pertaining to training and demonstrations, recruitment is not limited to persons already employed; clarifies that there is an employment goal that is the basis of the recruitment and training program; and provides an authorization of appropriations for the training authority in Title III of the Act. The authorization of appropriations for this authority was inadvertently left out during the reauthorization of the Act.

Section 110(b) of the bill corrects subsection references in section 310 of the Act pertaining to authorization of appropriations to reflect their redesignation. Section 110(c) of the bill makes a grammatical change and conforming changes to section 311 of the Act pertaining to special demonstration programs. Section 110(d) of the bill makes a conforming change to section 316 of the Act pertaining to special recreational programs.

Section 111. National Council on Disability

Section 111 of the bill increases from seven to eight the maximum number of staff of the Council authorized under section 403(a)(2) of the Act.

Section 112. Rights and advocacy

Section 112(a) of the bill makes a grammatical change to section 501(a) of the Act pertaining to employment of individuals with disabilities. Section 112(b) of the bill clarifies an erroneous reference in section 502 of the Act pertaining to the Access Board.

Section 112(c) of the bill clarifies that the purpose of the PAIR program established under section 509 of the Act is to support a system in each State to protect the legal and human rights of individuals with disabilities who need services that are beyond the scope of services authorized to be provided by the client assistance program.

In addition, this section of the bill clarifies that when the PAIR program is competitive, territories are eligible to compete; clarifies the operation of the formula; clarifies that States that receive continuation funds in FY 1993 are not eligible to apply for new awards in FY 1993; and clarifies that only States that have Protection and Advocacy systems housed in a State agency may take five percent for administrative costs.

Section 113. Availability of services

Section 113 of the bill corrects a cross reference in section 633 of the Act pertaining to the availability of services under the supported employment program.

Section 114. Independent living services and centers for independent living

Section 114(a) of the bill makes it clear that the reference in section 701(3) of the Act (purpose) is to authority for Federal programs other than the Rehabilitation Act.

Section 114(b) of the bill clarifies section 704(c)(2) of the Act that the requirement for the State designated unit to provide administrative services only applies when the Part C program is administered by the State under section 723.

Section 114(c) of the bill makes several clarifying amendments to section 705 of the Act pertaining to the Independent Living Council, including a clarification that the Council shall not be established as an entity within a State agency, and a clarification that the majority rule for the Council is with respect to voting members (i.e., individuals with disabilities not employed by any State agency or center for independent living).

Section 114(d) of the bill amends section 705(c) of the Act pertaining to the responsibilities of the Commissioner by requiring on-site compliance reviews by the Commissioner only when Federal funding exceeds State funding, and when States fail to submit and obtain approval of an application to administer the program. This amendment also clarifies that ED is required to provide on-site compliance reviews of at least one third of the State units that receive funding under section 723, but not duplicate the State on site compliance review requirement in section 723(g) and clarifies that the Secretary is to select designated State units, as well as centers for independent living, for review on a random basis.

Section 114(e) of the bill amends section 711 of the Act pertaining to allotments clarifies that: (1) the percent of funds to be set aside refers to the entire appropriation, not just to a percent of the excess; and (2) while the percentage of funds used for training and technical assistance is to be taken from the appropriation as a whole, the amount of funding available for allocation to centers shall not be less than the amount provided in the prior year appropriation.

Section 114(f) of the bill strikes an unnecessary paragraph from section 712(b) of the Act pertaining to payment to States under the Independent Living Services Program.

Section 114(g) of the bill makes a conforming change to section 713(3) of the Act pertaining to the authorization of uses of funds for centers under the Independent Living Services Program.

Section 114(h) of the bill makes several clarifying changes to section 721 of the Act pertaining to centers for independent living, including a clarification that funds are first to be calculated on the basis of population prior to application of the 1992 maintenance or minimum allotment requirements. As enacted, section 721(c)(B), maintenance of 1992 amounts, would not apply to the territories, two of which had substantial grants in fiscal year 1992. The change corrects this error while ensuring that they receive the minimum allotments intended by Congress.

In addition, this amendment would remove a nonsequitor and clarify that the amount of the training set-aside required by this subsection is to be within the specified percentage range rather than a set percentage. The current language is inconsistent with similar training provisions elsewhere in the Act.

Further, this amendment clarifies that any entity, not just private non-profit agencies, that previously received funding may continue to receive funding if the entity will meet all standards and assurances by a specified date.

This amendment also clarifies that the funding method required for fiscal year 1993 awards will be the same as for fiscal year 1994 awards. This clarification will ensure that the distribution in fiscal year 1993 will not conflict with the 1994 requirements.

Section 114(i) of the bill clarifies that under section 722 of the Act, grantees may not be receiving funds on September 30th because project periods typically begin October 1, 1993. However, all current year awards must be made by September 30th. This amendment also reconciles the requirements of paragraph (1) with those of paragraph (3). Further, this amendment provides a transition period for centers currently providing or managing residential housing to cease providing such housing or make alternative legal arrangements by October 1, 1994.

Section 114(j) of the bill provides flexibility to the Commissioner under section 723 to prevent States from falling out because of different budget cycles or late Federal appropriations; and provides that grantees may not be receiving funds on September 30th because project periods typically begin October 1, 1993. However, all current year awards must be made by September 30th.

Further, this amendment provides a transition period for centers currently providing or managing residential housing to cease providing such housing or make alternative legal arrangements by October 1, 1994.

This amendment also clarifies how many centers per year should be reviewed and limits the State's responsibility to those centers receiving Federal funds.

Section 114(k) of the bill corrects a fiscal year reference in section 724(b)(1)(A) of the Act.

Section 114(l) of the bill makes conforming changes to section 725(b) of the Act pertaining to standards and assurances.

Section 114(m) of the bill corrects a fiscal year reference in section 752 of the Act pertaining to Independent Living Services for Older Individuals Who Are Blind. This amendment also clarifies that grantees receiving continuation awards under Independent Living Services for Older Individuals who are Blind grants, would not be subject to the competition requirement during the period of their grant award. Further, this amendment clarifies that the minimum allotment to States for the Independent Living Services for Older Individuals who are Blind grants is either $250,000 or an amount equal to one-third of one percent of the amount appropriated under section 753 of the Act for the fiscal year and available for allotments under section 752(a) of the Act.

Section 116. Table of contents

Section 116 of the bill makes conforming changes to the table of contents.

TITLE II—EDUCATION OF THE DEAF ACT OF 1986

Title II of the bill makes technical and conforming changes to the Education of the Deaf Act.

TITLE III—OTHER ACTS

Title III of the bill makes technical and conforming changes to other Federal laws.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1295

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 "Rehabilitation Act Amendments of 1993".

TITLE I—REHABILITATION ACT OF 1973

SEC. 101. REFERENCES.

Except as otherwise specifically provided, whenever in this title 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.).

SEC. 102. REHABILITATION ACT AMENDMENTS OF 1992.

The Rehabilitation Act Amendments of 1992 (Public Law 102-569; 106 Stat. 4344 et seq.) is amended—

(1) in section 102(a)(2) (relating to a section 7(3)), by adding closing quotations after "101(a)(1)(A).";

(2) in section 102(p)(7)(E) (relating to a section 101(a)(13)(B)), by striking "conditions" and inserting "condition";

(3) in section 138(b) (29 U.S.C. 701 note), to read as follows:

"(b) COMPLIANCE.—Each State agency subject to the provisions of title I of the Rehabilitation Act of 1973 shall comply with the amendments made by this subtitle, 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."; and

(4) in section 203(g)(5) (relating to a section 202(g)), by striking "adding at the end" and inserting "inserting after paragraph (3)".

SEC. 103. DEFINITIONS.

Section 7 (29 U.S.C. 706) is amended—

(1) in paragraph (3)—

(A) by striking "The term 'designated State unit' means" and inserting the following:

"(B) The term 'designated State unit' means"; and

(B) in subparagraph (B) (as designated by subparagraph (A) of this paragraph), in clause (ii), by striking "101(a)(B)(i)" and inserting "101(a)(1)(B)(i)";

(2) in paragraph (8)—

(A) in subparagraph (A), by striking "titles I, II, III, VI, and VIII" and inserting "title I, III, VI, or VIII"; and

(B) in subparagraph (B), by striking "IV and V" and inserting "II, IV, V, and VII";

(3) in paragraph (15)(A), in the matter preceding clause (i), by inserting a comma after "subparagraph (C)";

(4) in paragraph (18)(A)(ii)—

(A) by inserting "for the period, and any extension, described in paragraph (34)(C)" after "employment services";

(B) by striking "or" and inserting "and"; and

(C) by inserting "after the transition described in paragraph (27)(C)" after "extended services"; and

(5) in paragraph (26)(B), by striking "III, IV, V, and VIII" and inserting "IV, V, and VII".

SEC. 104. CARRYOVER.

Section 19(a) (29 U.S.C. 718(a)) is amended to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out any grant program under part B or C of title I, section 509 (except as provided in section 509(b)), part C of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallotted under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

"(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.".

SEC. 105. CLIENT ASSISTANCE INFORMATION.

Section 20 (29 U.S.C. 718a) is amended by striking "such individuals, or the parents," and inserting "such individuals who are applicants for or recipients of the services, or the parents,".

SEC. 106. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21(b) (29 U.S.C. 719b(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by redesignating the second paragraph (3) as paragraph (4).

SEC. 107. VOCATIONAL REHABILITATION SERVICES.

(a) STATE PLANS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in paragraph (10)(A), by striking "described in subparagraph (C)" and inserting "described in subparagraph (D)";

(2) in paragraph (32), by inserting "or independent commission described in paragraph (36)" after "Council";

(3) in paragraph (34)(B) by striking "part B" and inserting "section 110"; and

(4) in paragraph (36)—

(A) by amending subparagraph (B)(i) to read as follows:

"(i) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;"; and

(B) in subparagraph (C)—

(i) by amending clause (i) to read as follows:

"(i) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation programs of both such agencies and meets the requirements of clauses (ii) and (iv) of subparagraph (B);"; and

(ii) by striking clause (ii) and inserting the following:

"(ii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

"(II) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for all individuals with disabilities except for individuals who are blind and meets the requirements of clauses (ii) and (iv) of subparagraph (B); or

"(iii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

"(II) the State has established a State Rehabilitation Advisory Council that meets the criteria set forth in section 105 and carries out the duties of such a Council with respect to functions for, and services provided to, individuals with disabilities except for individuals who are blind.".

(b) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102 (29 U.S.C. 722) is amended—

(1) in subsection (a)(5)(B), by striking "section 7(22)(A)(iii)" and inserting "section 7(22)(A)(ii)"; and

(2) in subsection (d)—

(A) in paragraph (2)(C)(ii)(I), by striking "who were appointed under one of subparagraphs (E) through (H) of section 105(b)(1);" and inserting "who were appointed under one of clauses (v) through (viii) of section 105(b)(1)(A), or under one of clauses (v) through (ix) of section 105(b)(1)(B), as appropriate;"; and

(B) in paragraph (6)(B), by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively.

(c) VOCATIONAL REHABILITATION SERVICES.—Section 103(a) (29 U.S.C. 723(a)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking "a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select," and inserting "qualified personnel, under State licensure laws, that are selected by the individual,"; and

(B) in subparagraph (F), by striking "a physician or licensed psychologist" and all that follows and inserting "qualified personnel under State licensure laws;"; and

(2) in paragraph (6), by striking "those individuals" and all that follows and inserting "those individuals determined to be blind after an examination by qualified personnel under State licensure laws;".

(d) STATE REHABILITATION ADVISORY COUNCIL.—

(1) AMENDMENTS.—Section 105 (29 U.S.C. 725) is amended—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

"(1) COMPOSITION.—

"(A) IN GENERAL.—Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) 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;

"(ii) at least one representative of a parent training and information center established

pursuant to section 631(e)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(e)(1));

"(iii) at least one representative of the client assistance program established under section 112;

"(iv) 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;

"(v) at least one representative of community rehabilitation program service providers;

"(vi) four representatives of business, industry, and labor;

"(vii) 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

"(viii) current or former applicants for, or recipients of, vocational rehabilitation services.

"(B) SEPARATE COUNCIL.—In the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) at least one representative described in subparagraph (A)(i);

"(ii) at least one representative described in subparagraph (A)(ii);

"(iii) at least one representative described in subparagraph (A)(iii);

"(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

"(v) at least one representative described in subparagraph (A)(v);

"(vi) four representatives described in subparagraph (A)(vi);

"(vii) at least one representative of a disability advocacy group representing individuals who are blind;

"(viii) at least one parent, family member, guardian, advocate, or authorized representative, of an individual who—

"(I) is an individual who is blind and has multiple disabilities; and

"(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself; and

"(ix) applicants or recipients described in subparagraph (A)(viii).

"(C) EXCEPTION.—In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 13 members shall be deemed to be in compliance with subparagraph (B) if the Council—

"(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

"(ii) includes at least—

"(I) one representative described in subparagraph (B)(vi); and

"(II) one applicant or recipient described in subparagraph (B)(ix).'"; and

(ii) in paragraph (3)—

(I) in the first sentence, by striking "or the appropriate entity within the State responsible for making appointments"; and

(II) by inserting after the first sentence the following: "In the case of a State that, under State law, vests appointment authority in an entity in lieu of, or in conjunction with, the Governor, such as one or more houses of the State legislature, or an independent board that has general appointment authority, that entity shall make the appointments."; and

(B) in subsection (g), by inserting "(except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(d) to carry out part D of this title)" before "to reimburse members".

(2) EFFECTIVE DATE.—In the case of a State that demonstrates to the satisfaction of the Secretary of Education that the State has designated 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) of the Rehabilitation Act of 1973, and has established by State law a separate Council to perform the duties of a State Rehabilitation Advisory Council with respect to such State agency, the Secretary may delay the effective date of all or part of section 105(b)(1)(B), as amended by paragraph (1), until October 1, 1994.

(e) STATE ALLOTMENTS.—Section 110(c) (29 U.S.C. 730(c)) is amended—

(1) in paragraph (2)—

(A) by striking "to pay for initial expenditures during"; and

(B) by inserting at the end the following: "The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated."; and

(2) by striking paragraph (4).

(f) PAYMENTS TO STATES.—Section 111(b) (29 U.S.C. 731(b)) is amended by moving paragraphs (1) and (2) 2 ems to the right.

(g) CLIENT ASSISTANCE PROGRAM.—Section 112 (29 U.S.C. 732) is amended—

(1) in the first sentence of subsection (a), by striking "facilities" and inserting "community rehabilitation programs"; and

(2) in subsection (e)(1)(D), by striking clause (ii) and inserting the following:

"(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection 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 Secretary shall increase each of the minimum allotments under clause (i) by such percentage change in the Consumer Price Index For All Urban Consumers.".

(h) INNOVATION AND EXPANSION GRANTS.—Section 124 (29 U.S.C. 744) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

"(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)(B) by such percentage change in the Consumer Price Index For All Urban Consumers."; and

(2) by striking subsection (b) and inserting the following:

"(b) PROPORTIONAL REDUCTION.—To provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(B), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the minimum allotment for a State (as increased under subsection (a)(3)) under subsection (a)(1)(B), or the minimum allotment for a State under subsection (a)(2)(B), as appropriate.".

SEC. 108. CLIENT INFORMATION.

Title I (29 U.S.C. 721 et seq.) is amended by adding at the end the following:

"PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"SEC. 140. REVIEW OF DATA COLLECTION AND REPORTING SYSTEM.

"(a) REVIEW.—The Commissioner shall conduct a comprehensive review of the current system for collecting and reporting data on clients of programs carried out under this Act, particularly data on clients of the programs carried out under this title.

"(b) CONSIDERATIONS.—

"(1) CURRENT DATA.—In conducting the review, the Commissioner shall examine the kind, quantity, and quality of the data that are currently collected and reported, taking into consideration the range of purposes that the data serve at the Federal, State, and local levels.

"(2) ADDITIONAL INFORMATION.—In conducting the review, the Commissioner shall examine the feasibility of collecting and reporting under the system information, if such information can be determined, with respect to each client participating in a program under this Act, regarding—

"(A) other programs in which the client participated during the 3 years before the date on which the client applied to participate in a program under this Act;

"(B) the number of jobs held, hours worked, and earnings received by the client during such 3 years;

"(C) the types of major and secondary disabilities of the client;

"(D) the dates of the onset of the disabilities;

"(E) the severity of the disabilities;

"(F) the source from which the client was referred to a program under this Act;

"(G) the hours worked by the client;

"(H) the size and industry code of the place of employment of the client at the time of entry into such a program and at the termination of services under the program;

"(I) the number of services provided to the client under the programs and the cost of each service;

"(J) the types of public support received by the client;

"(K) the primary sources of economic support and amounts of public assistance received by the client before and after receiving the services;

"(L) whether the client is covered by health insurance from any source and whether health insurance is available through the employer of the client;

"(M) the supported employment status of the client; and

"(N) the reasons for terminating the services received by the client.

"(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 the Rehabilitation Act Amendments of 1992 (Public Law 102-569), 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. 141. EXCHANGE OF DATA.

"(a) EXCHANGE.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

"(1) that concern clients of State vocational rehabilitation agencies; and

"(2) that are data maintained either by—

"(A) the Rehabilitation Services Administration, as required by section 13; or

"(B) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

"(b) TREATMENT OF INFORMATION.—For purposes of the exchange, the data described in subsection (a)(2)(B) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.".

SEC. 109. RESEARCH AND TRAINING.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION.—Section 202 (29 U.S.C. 761a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(D), by striking "the individuals" and inserting "such individuals"; and

(B) in paragraph (4)(D), by striking "individuals" and inserting "individuals described in subparagraph (C)";

(2) in the fourth sentence of subsection (c)(2), by striking "In case of any vacancy in the office of the Director, the" and inserting "The"; and

(3) in subsection (g) in paragraph (3), by striking "and" at the end.

(b) RESEARCH.—Section 204 (29 U.S.C. 762) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting ", including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies" before the period at the end; and

(B) in the third sentence, by striking ", as described in the State plans submitted by the State agencies,"; and

(2) in subsection (b)—

(A) in paragraph (2)(G)(i), by striking "rehabilitation related" and inserting "rehabilitation-related";

(B) in paragraph (3)—

(i) in subparagraph (B)(iii)(I), by striking "family centered" and inserting "family-centered"; and

(ii) in subparagraph (C)(i)—

(I) by striking "Assistance to Individuals" and inserting "Assistance for Individuals"; and

(II) by striking the comma after "representatives of the individuals"; and

(C) in paragraph (4)(A), by moving clause (iii) 2 ems to the right.

SEC. 110. TRAINING AND DEMONSTRATION PROJECTS.

(a) TRAINING.—Section 302 (29 U.S.C. 771a) is amended—

(1) in subsection (d)—

(A) in the second sentence, by striking "local employees, who are recruited from or reside in" and inserting "local residents, who are recruited from"; and

(B) by inserting after the second sentence a new sentence to read as follows: "Entities receiving grants to carry out projects under this subsection shall coordinate the activities carried out through the projects with the activities of State vocational rehabilitation agencies to promote the employment of the individuals trained to be rehabilitation technicians."; and

(2) in subsection (h), to read as follows:

"(h) 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.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 310 (29 U.S.C. 777) is amended by striking "sections 311(d), 311(e)," and inserting "sections 311(c), 311(d),".

(c) SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a) is amended—

(1) in subsection (a)(1), by striking the comma at the end and inserting a semicolon; and

(2) in subsection (c)(1)(B) by inserting "and" before "(iii)".

(d) SPECIAL RECREATIONAL PROGRAMS.—Section 316(a)(1) (29 U.S.C. 777f(a)(1)) is amended in the first sentence, by striking "handicapped individuals" and inserting "individuals with disabilities".

SEC. 111. NATIONAL COUNCIL ON DISABILITY.

Section 403(a)(2) (29 U.S.C. 783(a)(2)) is amended by striking "seven" and inserting "eight".

SEC. 112. RIGHTS AND ADVOCACY.

(a) EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.—Section 501(a) (29 U.S.C. 791(a)) is amended in the first sentence, by inserting a comma after "Veterans Affairs".

(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(a)(5)(A) (29 U.S.C. 792(a)(5)(A)) is amended by striking "the daily equivalent of the rate of pay for level 4 of the Senior Exec- utive Service Schedule under section 5382" and inserting "the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315".

(c) RIGHTS AND ADVOCACY.—Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and";

(2) by striking subsection (b) and inserting the following:

"(b) APPROPRIATIONS LESS THAN $5,500,000.—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).";

(3) in subsection (c)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (3)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (3)(A)"; and

(B) by striking paragraph (5) and inserting the following:

"(5) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section 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 paragraphs (3)(B) and (4)(B) by such percentage change in the Consumer Price Index For All Urban Consumers.";

(4) by striking subsection (d) and inserting the following:

"(d) PROPORTIONAL REDUCTION.—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.";

(5) by redesignating subsection (i) as subsection (n);

(6) in subsection (i), to read as follows:

"(i) Notwithstanding subsection (n), a protection and advocacy system that—

"(1) received funds for fiscal year 1992, under section 731 of this Act, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, to carry out a project; and

"(2) receives a continuation award for such project for fiscal year 1993,

shall not be eligible to receive additional funds under this section for fiscal year 1993."; and

(7) by striking subsection (j) and inserting the following:

"(j) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.".

SEC. 113. AVAILABILITY OF SERVICES.

Section 633 (29 U.S.C. 795l) is amended by striking "subsection (c) or (f)" and inserting "subsection (b) or (c)".

SEC. 114. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

(a) PURPOSE.—Section 701(3) (29 U.S.C. 796(3)) is amended by striking "other Federal programs" and inserting "other Federal law".

(b) STATE PLAN.—Section 704(c)(2) (29 U.S.C. 796c(c)(2)) is amended by striking "programs under parts B and C" and inserting "a program under part B, and a program under part C in a case in which the program is administered by the State under section 723".

(c) STATEWIDE INDEPENDENT LIVING COUNCIL.—Section 705 (29 U.S.C. 795d) is amended—

(1) in the second sentence of subsection (a), by striking "another" and inserting "a";

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

"(4) QUALIFICATIONS.—

"(A) IN GENERAL.—The Council shall be composed of members—

"(i) who provide statewide representation;

"(ii) who represent a broad range of individuals with disabilities;

"(iii) who are knowledgeable about centers for independent living and independent living services; and

"(iv) 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.

"(B) VOTING MEMBERS.—A majority of the voting members of the Council shall be—

"(i) individuals with disabilities described in section 7(8)(B); and

"(ii) not employed by any State agency or center for independent living."; and

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting "voting" before "membership"; and

(ii) in subparagraph (B), by inserting "voting" before "member" each place the term appears; and

(3) in subsection (c)(1)—

(A) by striking "submit" and inserting "sign"; and

(B) by striking "designated State agency" and inserting "designated State unit".

(d) RESPONSIBILITIES OF THE COMMISSIONER.—Section 706(c)(1) (29 U.S.C. 796d-1(c)(1)) is amended—

(1) in the first sentence, by striking "part C" and inserting "section 722";

(2) by inserting after the second sentence the following: "The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State."; and

(3) in the last sentence, by inserting "and such State units" after "select such centers".

(e) INDEPENDENT LIVING SERVICES ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

"(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."; and

(2) by striking subsection (b) and inserting a new subsection (b) to read as follows:

"(b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B).".

(f) PAYMENTS TO STATES FROM ALLOTMENTS.—Section 712(b) (29 U.S.C. 796e-1(b)) is amended by striking paragraph (3).

(g) AUTHORIZED USES OF FUNDS.—Section 713(3) (29 U.S.C. 796e-2(3)) is amended by inserting "that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725" after "living".

(h) CENTERS FOR INDEPENDENT LIVING.—Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (b)(1)—

(A) by inserting "to eligible agencies, centers for independent living, and Statewide Independent Living Councils" after "assistance"; and

(B) by striking "of such funds" and inserting "of the funds appropriated to carry out this part for the fiscal year involved";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Except as provided in subparagraphs (B) and (C) and after" and inserting "After"; and

(ii) by inserting ", and except as provided in subparagraphs (B) and (C)," after "made";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(C) by adding a new paragraph (4) to read as follows:

"(4) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B)."; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking ", whichever is greater,"; and

(B) in paragraph (2)(B)—

(i) in the first sentence of clause (i)—

(I) by striking "Private nonprofit agencies" and inserting "Entities";

(II) by striking "if the agencies submit" and inserting "if the entities submit"; and

(III) by striking "agencies will meet the standards described in section 725(b) and" and inserting "entities will be private nonprofit agencies that meet the standards described in section 725(b), and"; and

(ii) by adding a new clause (iii) to read as follows:

"(iii) FUNDING METHOD.—In making awards under this subsection, the Secretary shall distribute funds in accordance with paragraphs (1), (2), and (4) of subsection (c), and subsection (d).".

(i) GRANTS BY COMMISSIONER.—Section 722 (29 U.S.C. 796f-1) is amended—

(1) in subsection (c), by striking "is receiving funds under this part on" and inserting "has been awarded a grant under this part by";

(2) in subsection (d)(1), by inserting "proposing to serve such region" after "qualified applicant";

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

"(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.".

(j) GRANTS BY DESIGNATED STATE UNIT.—Section 723 (29 U.S.C. 796f-2) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)(iii), by inserting before the period at the end the following: ", making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year"; and

(B) in paragraph (3), by inserting "eligible agencies in" before "the State in accordance";

(2) in subsection (c), by striking "is receiving funds under this part on" and inserting "has been awarded a grant under this part by";

(3) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(4) by inserting after subsection (e) the following:

"(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.";

(5) in subsection (g) (as redesignated by paragraph (3) of this subsection), in paragraph (2)(B), by striking "(h)" each place the term appears and inserting "(i)"; and

(6) in subsection (h) (as redesignated by paragraph (3) of this subsection), by striking the first sentence and inserting the following: "The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State.".

(k) CENTERS OPERATED BY STATE AGENCIES.—Section 724(b)(1)(A) (29 U.S.C. 796f-3(b)(1)(A)) is amended by striking "fiscal year 1993" and inserting "the fiscal year".

(l) STANDARDS AND ASSURANCES.—Section 725(b)(2) (29 U.S.C. 796f-4(b)(2)) is amended—

(1) in the second sentence—

(A) by inserting "severe" before "disabilities who are members of"; and

(B) by striking "Act" and inserting "title"; and

(2) in the third sentence, by inserting "shall be determined by the center, and" before "shall not be based".

(m) PROGRAMS OF GRANTS.—Section 752 (29 U.S.C. 796k) is amended—

(1) in subsection (a)(2), by striking "UNIT" and inserting "AGENCY";

(2) in subsection (b), to read as follows:

"(b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants made under subsection (a) shall be—

"(1) discretionary grants made on a competitive basis to States; or

"(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

"(A) under this chapter; or

"(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992."; and

(3) in subsection (j)—

(A) by striking "and" at the end of paragraph (1)(A) and inserting "or"; and

(B) by striking "and" at the end of paragraph (2)(A)(i) and inserting "or".

SEC. 115. TABLE OF CONTENTS.

The table of contents (Public Law 93-112; 87 Stat. 356) is amended—

(1) by adding after the items relating to title I the following:

"PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"Sec. 140. Review of data collection and reporting system.

"Sec. 141. Exchange of data."; and

(2) by striking the item relating to part B of title III and inserting the following:

"PART B—SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES".

TITLE II—EDUCATION OF THE DEAF ACT OF 1986

SEC. 201. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Education of the Deaf Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title 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 Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.).

SEC. 202. GENERAL AMENDMENT.

The Act (20 U.S.C. 4301 et seq.) is amended by striking "the Institute" each place that such appears and inserting "NTID".

SEC. 203. AMENDMENTS TO TITLE I.

(a) SECTION 101.—Section 101(a) (20 U.S.C. 4301(a)) is amended by inserting a comma after "Hereafter".

(b) SECTION 102.—Section 102(b) (20 U.S.C. 4302(b)) is amended—

(1) in paragraph (1), by striking "of Education"; and

(2) in paragraph (2), by striking "but if invested" and inserting "but, if invested,".

(c) SECTION 103.—Section 103 (20 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) by striking "members selected as follows:" in paragraph (1) and inserting "members who shall include—";

(B) by inserting a comma after "Association" in paragraph (1)(B);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by redesignating the second sentence of paragraph (1) as paragraph (2); and

(2) in subsection (b)—

(A) by inserting a comma after "facilities)" in paragraph (1);

(B) in paragraph (4)—

(i) by striking "or individuals who are" and inserting "or"; and

(ii) by striking the period at the end thereof and inserting in lieu thereof a semicolon; and

(C) by striking out "the provisions of" in paragraph (8).

(d) SECTION 104.—Section 104 (20 U.S.C. 4304) is amended—

(1) in the section heading, by striking "**EDUCATIONAL**" and inserting "**EDUCATIONAL**";

(2) in subsection (a)(1)—

(A) by striking "elementary and secondary programs" each place that such appears and inserting "elementary and secondary education programs";

(B) by striking "and individuals who are" in subparagraph (A) and inserting "or";

(C) by striking "non-English speaking" in subparagraph (B) and inserting "non-English-speaking"; and

(D) in subparagraph (C)—

(i) by striking "individuals" each place that such appears and inserting "students";

(ii) in clause (i), by striking "deaf," and inserting "deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent,"; and

(iii) in clause (ii), by striking "deaf," and inserting "deaf from grades nine through twelve, inclusive,";

(3) in subsection (b)(1)—

(A) by striking "infants and children" in subparagraph (A) and inserting "infants, children, and youth"; and

(B) by striking the semicolon at the end of subparagraph (C) and inserting a period; and

(4) in subsection (b)(4)—

(A) by striking "programs" in subparagraph (A) and inserting "program";

(B) by striking "students to and from those programs" in subparagraph (B) and inserting "the child to and from that program"; and

(C) by striking "decisions" in subparagraph (C)(iii) and inserting "a decision".

(e) SECTION 105.—Section 105(b) (20 U.S.C. 4305(b)) is amended—

(1) in paragraph (2), by striking "shall" and inserting "will"; and

(2) in paragraph (4)—

(A) by striking "Elementary School and the Model" and inserting "Elementary School or the Model"; and

(B) by striking "and the Secretary" and inserting "except that the Secretary".

(f) SECTION 111.—Section 111 (20 U.S.C. 4311) is amended by striking "title" and inserting "part".

(g) SECTION 112.—Section 112 (20 U.S.C. 4312) is amended—

(1) in the section heading by striking "**INSTITUTE**" and inserting in lieu thereof "**NATIONAL TECHNICAL INSTITUTE FOR THE DEAF**";

(2) in subsection (a)—

(A) by striking "Act" in paragraph (1) and inserting "part"; and

(B) by striking the first two commas in paragraph (2);

(3) in subsection (b)—

(A) in paragraph (3)—

(i) by striking "Secretary an annual report, including" and inserting "Secretary, not later than June 1 following the fiscal year for which the report is submitted, an annual report containing";

(ii) by striking "which report" and inserting "which accounting"; and

(iii) by striking the comma after "Representatives";

(B) by striking "and" at the end of paragraph (4);

(C) in paragraph (5)—

(i) by striking "and the Secretary" and inserting "except that the Secretary"; and

(ii) by striking the period at the end thereof and inserting a semicolon and "and"; and

(D) by striking "or individuals who are" in paragraph (6) and inserting "or"; and

(4) in subsection (c), by inserting a comma after "If".

SEC. 204. AMENDMENTS TO TITLE II.

(a) SECTION 201.—Section 201 (20 U.S.C. 4351) is amended—

(1) in paragraph (1)(B), by striking "United States; or" and inserting "United States; and"; and

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraphs (4), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively.".

(b) SECTION 203.—Subsection (b) of section 203 (20 U.S.C. 4353(b)) is amended to read as follows:

"(b) INDEPENDENT AUDIT.—Gallaudet University shall have an annual independent financial audit made of the programs and activities of the University. The institution of higher education with which the Secretary has an agreement under section 112 shall have an annual independent financial audit made of the programs and activities of such institution of higher education, including NTID, and containing specific schedules and analyses for all NTID funds, as determined by the Secretary.

(c) SECTION 204.—Section 204 (20 U.S.C. 4354) is amended—

(1) in paragraph (1), by striking "first time" and inserting "first-time";

(2) in paragraph (2)(G)—

(A) by striking "Individualized Education Programs" and inserting "individualized education programs"; and

(B) by inserting "or hard of hearing" after "children who are deaf";

(3) in paragraph (3), to read as follows:

"(3)(A) The annual audited financial statements and auditor's report of the University, as required under section 203, and (B) the annual audited financial statements and auditor's report of the institution of higher education with which the Secretary has an agreement under section 112, including specific schedules and analyses for all NTID funds, as required under section 203, and such supplementary schedules presenting financial information for NTID for the end of the Federal fiscal year as determined by the Secretary."; and

(4) in paragraph (6), by striking "Program is" and inserting "Program funds are".

(d) SECTION 205.—Section 205(a) (20 U.S.C. 4355(a)) is amended—

(1) by inserting "or hard of hearing" after "individuals who are deaf"; and

(2) by striking "the provisions of".

(e) SECTION 206.—Section 206(b) (20 U.S.C. 4356(b)) is amended by inserting "or hard of hearing" after "individuals who are deaf".

(f) SECTION 207.—Section 207 (20 U.S.C. 4357) is amended—

(1) in subsection (c)(3), by striking "Advisory Board of NTID" and inserting "advisory group established under section 112";

(2) in subsection (e), by striking "investment limitations and" and inserting "investment limitations or"; and

(3) in subsection (i), by striking "the provisions of the Education of the Deaf Act of 1986" and inserting "this Act as enacted on August 4, 1986".

(g) SECTION 209.—Section 209 (20 U.S.C. 4359) is amended—

(1) in subsection (a), by striking "title II" and inserting "part B of title I"; and

(2) in subsection (b), by striking "the provisions of".

(h) SECTION 210.—Section 210 (20 U.S.C. 4360) is amended—

(1) in subsection (b), by striking "75 percent beginning the academic year 1993–1994, and 90 percent beginning the academic year 1994–1995" and inserting "75 percent for the academic year 1993–1994 and 90 percent beginning with the academic year 1994–1995"; and

(2) in subsection (c)—

(A) by striking "Beginning the academic year 1993–1994 and thereafter" and inserting "Beginning with the academic year 1993–1994"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(i) SECTION 211.—Section 211(a) (20 U.S.C. 4361(a)) is amended by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

TITLE III—OTHER ACTS

SEC. 301. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.

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 People Who Are Blind and Severely Disabled" and inserting "From People Who Are Blind or Severely Disabled".

SEC. 302. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by redesignating the second paragraph (8), as added by section 912(a) of the Rehabilitation Act Amendments of 1992 (Public Law 102–569), as paragraph (9).

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102–240, announces on behalf of the Republican leader his appointment of Thomas E. Mulinazzi, of Kansas, as a member of the National Council on Surface Transportation Research.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

REPORT OF PROPOSED LEGISLATION ENTITLED "EXPEDITED EXCLUSION AND ALIEN SMUGGLING ENHANCED PENALTIES ACT OF 1993—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Expedited Exclusion and Alien Smuggling Enhanced Penalties Act of 1993." This legislative proposal is designed to address the growing abuse of our legal immigration and political asylum systems by illegal aliens holding fraudulent documents and by alien smugglers. Also transmitted is a section-by-section analysis. The proposal is part of a larger Administration initiative that I announced on June 18, 1993, to combat the illegal entry and smuggling of aliens into the United States.

The use of fraudulent documents by aliens seeking to enter the United States has increased dramatically. This proposal would expedite the exclusion and return of certain undocumented and fraudulently documented aliens who clearly are ineligible for admission to the United States, while ensuring that persons who have legitimate asylum claims receive full and fair hearings. In addition, the bill would increase the ability of the Immigration and Naturalization Service (INS) to prosecute alien smugglers and enhance the penalties for alien smuggling.

The expedited exclusion procedures would apply to an alien who, for example: (1) attempted to use a fraudulent passport to enter the United States; (2) came to the United States by commercial airplane and did not present a visa upon arrival; or (3) was encountered by the Coast Guard on the high seas and brought to the United States. To apply for asylum, these aliens first would have to establish that they had a credible fear either of persecution in the country from which they had departed or of return to persecution. If an asylum officer determined that the alien had such a credible fear, the alien then could apply for asylum. If the alien did not have the requisite fear of persecution, the alien would be subject to an immediate order of exclusion barring him or her from entering the United States. The bill would limit judicial review of such an exclusion order.

Alien smuggling has become an increasingly pervasive problem, as seen in the current wave of Chinese aliens being brought to the shores of this country by unscrupulous criminal organizations. These organizations seek to profit both from transporting these aliens and from their labors once in this country. The number of alien smugglers arrested in the past 3 years has tripled, and the number of smugglers convicted has doubled.

Alien smuggling not only violates our criminal and immigration laws, but it also takes a terrible toll on the lives of the aliens illegally brought into this country. Many of these individuals transfer their entire life savings and pledge thousands of additional dollars to smugglers. These aliens are often placed in deplorable conditions amounting to indentured servitude until they can pay the debts incurred for their passage to America. Moreover, organized criminal syndicates are becoming more frequently associated with this highly profitable traffic in human cargo.

The bill's criminal provisions are vital to help apprehend offenders and deter future criminal activity in this area. Under this proposal, the maximum penalty imposed against certain smugglers would be increased from 5 to 10 years in prison for each individual smuggled. Since clandestine means of investigation are often needed to build cases against alien smuggling rings, the bill would authorize INS to conduct wiretaps for alien smuggling investigations.

Finally, the Racketeer Influenced and Corrupt Organizations statute would be amended so its penalty and forfeiture provisions could be used against alien smuggling organizations. The proposal also would expand the ability of law enforcement personnel to forfeit the proceeds of illegal alien smuggling, such as cash and bank accounts.

In addition to this bill, our efforts to combat alien smuggling include strengthening law enforcement efforts and attacking smuggling operations at the source. The Federal Government already has begun interdicting and redirecting smuggling ships, where feasible, in transit to the United States. INS is detaining aliens who enter the United States in conjunction with criminal smuggling activities. The Department of Justice, consistent with due process and existing laws, is expediting the adjudication of entry claims raised by migrants who are the victims of organized criminal smuggling schemes.

All of these actions, taken together, signal the United States abhorrence of the trafficking in human beings for profit and our determination to combat this illegal activity. At the same time, they reaffirm our Nation's commitment to safeguarding the protection of bona fide refugees.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1993.*

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 63) to establish

the Spring Mountains National Recreation Area in Nevada, and for other purposes.

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

H.R. 1757. An Act to provide for a coordinated Federal program to accelerate development and dissemination of applications of high-performance computing and high-speed networking, and for other purposes.

H.R. 2683. An Act to extend the operation of the migrant student record transfer system.

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Acrobatics", and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 847. An Act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

Tne enrolled bill was subsequently signed by the Acting President pro tempore [Mrs. MURRAY].

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes; to the Committee on Commerce, Science and Transportation.

H.R. 1757. An Act to provide for a coordinated Federal program to accelerate development and dissemination of applications of high-performance computing and high-speed networking, and for other purposes; to the Committee on Labor and Human Resources.

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Acrobatics", and for other purposes; to the Committee on Commerce, Science and Transportation.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 524. A bill to designate the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-189. A resolution adopted by the Legislature of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION NO. 96

"Whereas, the federal government owes a debt of gratitude to this nation's veterans who have selflessly served during periods of war and preserved the liberties we possess; and

"Whereas, one way this debt can be repaid is by the establishment of hospitals to serve the medical needs of veterans; and

"Whereas, New Jersey, one of this country's most populous states, lacks sufficient veterans hospital facilities to adequately meet the demand for care; and

"Whereas, there is an urgent need to construct an additional veterans hospital in this State and to locate it in the populous and still growing shore area of New Jersey; and

"Whereas, the United States Congress can tangibly help veterans living in this State by appropriating funds to construct this necessary hospital facility: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

"1. This House memorializes the United States Congress to appropriate funds for the construction of a veterans hospital in Lakewood Township, Ocean County, New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State.

"STATEMENT

"This resolution memorializes the United States Congress to appropriate funds for the construction of a veterans hospital in Lakewood Township, Ocean County, New Jersey."

POM-190. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

"Senate Resolution No. 29

"Whereas, there is a consensus among educators, business leaders, and policymakers that United States students are lagging far behind students of other industrialized nations in nearly every area of learning; and

"Whereas, it is also widely acknowledged that our country's future economic success and competitiveness are dependent upon a strong and productive educational system; and

"Whereas, the federal government contributes large sums of money to the states to fund welfare and other social programs, but contributes less than ten percent of the total funding necessary for educating our young people; and

"Whereas, the resources of the federal government would be better spent on educating our young people so that they can become productive members of our society, thereby relieving the demand for funds to be used to address problems caused by a deficient educational system; now, therefore, be it

"*Resolved by the Senate*, That we hereby memorialize the United States Congress to appropriate more money to the states for K-12 education; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-191. A resolution adopted by the City Council of the City of Henderson, Nevada relative to the Nevada Test Site; to the Committee on Armed Services.

POM-192. A resolution adopted by the Governing Board of the Northeast Ohio Areawide Coordinating Agency relative to the Defense Finance and Accounting Service; to the Committee on Armed Services.

POM-193. A concurrent resolution adopted by the House of Representatives of the Legislature of the Commonwealth of Puerto Rico relative to the U.S. Navy properties in Vieques; to the Committee on Armed Services.

"H.C.R. NO. 16

"For approximately fifty years, the United States Navy has controlled and held nearly two thirds of the land of the island municipality of Vieques.

"That is almost 26,000 "cuerdas" of land on the eastern and western portions of what we call with deep affection, the "Isla Nena". Said land is an extension of the Roosevelt Roads Naval Base in Ceiba.

"The development potential of the municipality of Vieques has been limited because of the scarcity of land and the fact that two thirds of the Island is used for military activities.

"In view of this problem, the Municipal Assembly of Vieques approved a Resolution last April 28, which requested the closing of all the military installations—to the East and to the West—and the restitution of the territory to the Commonwealth of Puerto Rico.

"This event coincides with the efforts of the Government of the United States to reduce defense and military spending.

"The abovestated situation makes the restitution of the land held by the Navy to the Government of Puerto Rico, mutually convenient. For the residents of Vieques, the restitution of these lands is more necessary than ever before: Be it

"*Resolved by the Legislature of Puerto Rico:*

"SECTION 1. The President of the United States, William J. Clinton, is hereby exhorted to include the properties of the U.S. Navy located in Vieques, in the proposed program to close military bases.

"SEC. 2. This Resolution shall be remitted to both official languages, to President William J. Clinton, to the Secretary of Defense, the Hon. Les Aspin, to the President and Floor Leaders of the Senate and the Speaker and floor leaders of the House of Representatives of the United States, to the Chairperson of the Advisory Committee for the Closing of Military Bases, to the Chairpersons and Spokepersons of the Congressional Committee for Armed Affairs, to the Governor of Puerto Rico, and to the Resident Commissioner of Puerto Rico in the United States.

"SEC. 3. This Concurrent Resolution shall take effect immediately after its approval."

POM-194. A joint resolution adopted by the Legislature of the State of Nevada urging the national designation of the month of May as United States Armed Forces History Month; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 29

"Whereas, The history of the United States of America reveals that our peaceful tranquility and pursuit of happiness have often been threatened or interrupted by the enemies of freedom; and

"Whereas, Millions of Americans have defended our nation during peace and armed conflict; and

"Whereas, Military history and the sacrifices of our veterans have been an integral part of America's past; and

"Whereas, It is important for Nevadans to understand our military history and its role in keeping America free so our citizens can enjoy the blessings of liberty; and

"Whereas, Learning military history better prepares us to understand the complex problems which will be associated with the global challenges we will face in the future; and

"Whereas, It is fitting and proper that the residents of Nevada and all citizens of the United States of America recognize and honor the men and women in the United States Armed Forces for their loyalty, courage and determination; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That Congress is hereby urged to designate the month of May, each year, as United States Armed Forces History Month and to support actively the educational programs which teach that history within public and private schools; and be it further

"*Resolved,* That the members of the Nevada Legislature hereby designate the month of May as United States Armed Forces History Month; and be it further

"*Resolved,* That the residents of the State of Nevada and pupils in the schools throughout this state are urged to observe the month with appropriate ceremonies and activities; and be it further

"*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Superintendent of Public Instruction; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 422. A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities (Rept. No. 103-109).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 55. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes (Rept. No. 103-110).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 578. A bill to protect the free exercise of religion (Rept. No. 103-111).

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1298. An original bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 103-112).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1287. A bill to reform the operations of Congress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. AKAKA (for himself, Mr. LEAHY, Mr. CRAIG, Mr. GORTON, and Mr. PELL):

S. 1288. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 1289. A bill to suspend temporarily the duty on certain textile spinning machines; to the Committee on Finance.

S. 1290. A bill to suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms); to the Committee on Finance.

S. 1291. A bill to suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms); to the Committee on Finance.

S. 1292. A bill to suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1293. A bill to suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1294. A bill to suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms); to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, and Mr. DOLE):

S. 1295. A bill to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes; considered and passed.

By Mr. PELL (by request):

S. 1296. An act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine and other new independent states; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 1297. A bill to establish community-based partnerships to fight crime in public and assisted housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NUNN:

S. 1298. An original bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1287. A bill to reform the operations of Congress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

CONGRESSIONAL REORGANIZATION ACT OF 1993

Mr. BENNETT. Mr. President, recalling a comment I made during the campaign that struck a very responsive chord among the voters when I said one of the reasons we have a deficit problem is because we have a Congress problem, I rise today to talk about the reorganization of Congress, and I send to the desk for referral to the appropriate committee, a bill which, if enacted, will be known as the Congressional Reorganization Act of 1993.

Some might feel it is very presumptuous of me as a new Member of this body to talk about reorganizing it. I understand that. However, I would point out I have spent a good portion of my adult life dealing with the Congress. I was the head of congressional liaison of the Nixon administration for the Department of Transportation and discovered many of the organizational bottlenecks that exist here.

One of the most serious of those bottlenecks is the question of overlapping jurisdiction. Somebody introduces a bill. One powerful committee chairman says, "I want that bill in my committee." Another powerful committee chairman says, "No, I want it in mine." Very often, it ends up in both. The result is, we spend years doing that which should take us months.

So out of my experience in dealing with this body from the outside, combined with the time that I have spent since I have been here, I stand today to offer this piece of legislation that has four elements to it. I have them listed on this chart. They correspond with the four sections or titles of my bill.

The first one would reduce the congressional budget by 25 percent: 10 percent in this year, 10 percent next, and 5 percent the following year. Money has a great disciplining effect and if we cut down the amount of money available to Congress, we get Congress' attention on the issue of reorganization.

The second has to do with the establishment of national priorities for legislative action. I have been involved in strategic plans for businesses. I have been involved in creating a strategic plan for the State of Utah in their education. I am interested that we come to Congress and we do not have a methodology for establishing our priorities at the beginning of each congressional session. We need that methodology if we are going to be up to date in our management practices. I have outlined a way whereby that can be done.

Then I propose in the third title of the bill a complete reorganization of the committees. I tell people my father

served in this body. He was elected in 1950 and he came here to serve as the Congress was organized under the Government Reorganization Act of 1946; 4 years, a complete reorganization of Congress.

Now I come here 18 years after my father's retirement, 42 years after he began his service, and find that the committees are organized basically under the requirements of the Congressional Reorganization Act of 1946. We have not made the kinds of structural changes that I think we need to, and that is what I will do here.

Finally, I have added to the bill an idea that has been used here before, the adoption of a 2-year budget cycle.

Let me describe each of the four titles quickly in that order.

Reducing the congressional spending, I have already talked about. The one additional point I want to make is that all unused funds would go to the Treasury for the purposes of deficit reduction. I find it interesting that Congress adopts a budget for itself and then, when the money is not all spent, finds a way to keep it rather than make it available for deficit reduction. My bill would make sure that would not be the case.

Second, the issue of establishing national priorities. The bill would require that before any committees could meet, before any other legislation would be in order on the floor, the Senate—and I will confine my remarks to the Senate now for illustration purposes—would be required to debate and adopt no more than five national priorities. It could be two or three. But we should go through the process of discussing among ourselves as Senators—with all the Senators on the floor with no conflicting business—what are the major priorities we are going to talk about in the next 2 years? Which are we going to choose for our primary attention?

The bill would require that the decision would have to be made at least by 30 days after the Congress meets, and that in that time, the Congress has no authority to do anything but face the question and finally make a decision on national priorities.

Once these priorities are identified, now comes the question of what do we do about them? Here is an innovation that I would introduce into the Congress: The creation of task forces, one for each priority. Let me give an example of how this would work.

Let us suppose that this year this plan had been in effect and the Senate got together and decided that one of our national priorities would be health care. We would then create a task force on health care. That means the task force that is currently working through all of this huge mountain of information on health care would be a creation of the Congress. It would be a creature of the Congress, as the Founding Fathers intended that it be. More and more, the muscle-bound procedures that we have in this body are preventing us from carrying out our constitutional mandate to legislate. We have by default given the primary legislative function to a task force organized by Mrs. Clinton, headed by Mrs. Clinton, doing the basic work while we sit back and say, "Well, let us wait until they come up with their proposal." I think the task force idea is a logical one; it is sound management practice. Let us have it in the Congress.

So if we follow my procedure, the Congress would identify the issues of national priority and a task force would be set up around each issue. Each Senator would be allowed to serve on one task force only and the task forces, once established, would be given a budget from which they would hire the appropriate assistance. However, the task forces would choose their own leadership by a vote within the task force without regard to party or seniority.

So if we have 4 task forces in the Senate, each one with 25 Senators, those 25 Senators would sit down and say: We think on this issue this Senator knows more about it than anybody else; we will elect him or her as the chair of the task force. And it will not matter whether it is a Republican, Democrat, a freshman, or a senior person. I am not naive enough to believe seniority and party would not play a role, but institutionally it would not be required.

The task forces would have 1 year in which to report, and at the end of the year, they would issue their report, make their recommendation to the appropriate standing committee, and go out of existence. There would be no permanent bureaucracy; there would be no permanent staff, no permanent budget. They would be focused on getting the job done and getting it done in the time allotted.

To which standing committee would the task force refer its recommendations? I would reorganize the committees completely. We would have one committee for each Cabinet-level office in the executive branch so that if there is a Treasury Department, there is a Treasury committee; if there is a Transportation Department, there is a Transportation committee. And the committees would mirror the activities of the executive branch.

Frankly, that was the idea in the Government Reorganization Act of 1946. We have gotten away from it as powerful political chairmen over the decades have built their committee turf, and now we have a system that does not work very well. I would go back to the original idea and say that each committee has not only authorizing authority, but appropriations authority. I would abolish the Appropriations Committee. I say that to some Senators and they say, "You can't do that because the Appropriations Committee gives you a degree of control."

Out of each of the standing committees, I would take the chairman and the ranking member, and create another committee called the Committee on Leadership and National Priorities; 15 standing committees, and you have 30 members on that committee. That is not going to work because it is evenly divided, majority and minority. I would add an additional six members, four to be chosen by the majority leader and two by the minority leader.

This Committee on Leadership and National Priorities would take the functions of the Budget Committee and reconciliation. Sitting on it, therefore, are the chairman, the ranking member of each of the other standing committees, plus the other members appointed by leadership. They would provide the kind of overall budget discipline that currently the Appropriations Committee is supposed to provide, and you would have the competing interests from the standing committees represented in that Leadership Committee so that the kind of log-rolling activity that often goes on here would be prevented, or at least controlled. They would consolidate leadership functions, and so on.

Finally, the 2-year budget cycle. That is an idea that has been around here for a long time, and I have added that to this bill.

So that would be the way I would reorganize the body: Have us focus on national priorities before we do anything else. Once those priorities are determined, have us organize ourselves into task forces to deal with those priorities instead of depending on outside task forces, change our committee structure to reflect the structure of the executive branch, create a Leadership Committee so that the leadership controls the budget and appropriations process and, I think, clean out the hardened arteries of this institution that have been building up from over 50 years of inertia that have created many of the problems that we face.

I end with the observation with which I began. One of the reasons we have a deficit problem in this country is that we have a Congress problem in this country. We are not organized to function efficiently.

People say to me, well, that is great. You are a business executive. You go back and put business principles in and make this thing work.

That is what I have tried to do. But I have recognized that Government is not a business. It is important that we function efficiently and effectively. I hope this will help us do that. But that is not why we exist. Thomas Jefferson said we exist to secure the God-given rights of those who live in this country.

That is a function Government has that no business has, so we must have

a balance between our governmental function as required by the philosophical underpinnings of this country and modern management methods that say we get about it in an efficient and proper sort of way.

This is the first bill I have introduced as a Member of this body. I have cosponsored many. I have offered amendments. But this is the first one, and it is a deliberate choice on my part to focus on this as my first priority because, as I say, I think, if we can get this body and the other body to function more effectively, break down some of the partisanship barriers that have been erected over the years, break down some of the accretions of seniority problems that have accumulated over the years, we can be about the public's business in an effective way and fulfill the charter that Jefferson gave us when he declared our independence from Great Britain.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

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

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Reorganization Act of 1993".

TITLE I—REDUCTIONS IN CONGRESSIONAL SPENDING

SEC. 101. REDUCTION IN CONGRESSIONAL COMMITTEE BUDGETS AND SUPPORT STAFF.

Budget authority and outlays for—

(1) committees of the Senate and the House of Representatives; and

(2) the supporting offices of the Congress (as listed in section 109(11) of the Ethics in Government Act of 1978),

shall not exceed—

(A) in fiscal year 1994, 90 percent of the levels for fiscal year 1993;

(B) in fiscal year 1995, 80 percent of the levels for fiscal year 1993; and

(C) in fiscal year 1996, 75 percent of the levels for fiscal year 1993.

SEC. 102. RETURN OF ALL FUNDS REMAINING IN THE SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT AT THE END OF A YEAR TO THE TREASURY.

All unobligated funds remaining in the Senators' Official Personnel and Office Expense Account and all unobligated funds available for House Members' personnel and office expenses on September 30 of a fiscal year shall be returned to the Treasury for the purpose of reducing the Federal deficit.

TITLE II—CONGRESSIONAL AGENDA AND PRIORITY NATIONAL ISSUES

SEC. 201. TASK FORCE.

(a) IN GENERAL.—At the beginning of each Congress and not later than February 15th, the Senate and the House of Representatives shall determine not more than 5 issues that need priority attention during such Congress, and by the vote of each House create not more than 5 independent task forces to study and recommend legislative remedies.

(b) TASK FORCE STAFF.—(1) Task forces are authorized to utilize professional staff from the standing committees and Federal agencies. Such staff shall serve the task force without additional compensation.

(2) Task forces are authorized to hire consultants and experts in related fields in order to accomplish their purposes. The funds for such expenses shall come from the Committee on Leadership and National Priorities.

(3) Task forces may not employ permanent staff.

SEC. 202. CONGRESSIONAL AGENDA.

The task forces created pursuant to section 201 shall submit recommendations to the appropriate committees of original jurisdiction no later than 12 months from the day of its creation.

SEC. 203. MEMBERSHIP.

Each Member of the Congress shall be appointed by party leadership to sit on one task force.

TITLE III—REORGANIZATION OF COMMITTEES OF THE HOUSE AND SENATE

SEC. 301. NEW COMMITTEE STRUCTURE.

(a) IN GENERAL.—The following standing committees shall be appointed at the commencement of each Congress in the House of Representatives and in the Senate, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(1)(A) Committee on Leadership and National Priorities, to which committee shall be referred—

(i) all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto; and

(ii) in the Senate—

(I) administration of the Senate office buildings and the Senate wing of the Capitol, including the assignment of office space;

(II) congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules;

(III) corrupt practices;

(IV) credentials and qualifications of Members of the Senate; contested elections, and acceptance of incompatible offices;

(V) Federal elections generally, including the election of the President, Vice President, and Members of Congress;

(VI) Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided under rule XI;

(VII) meetings of the Congress and attendance of the Members;

(VIII) payments of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall first be referred to such committee);

(IX) Presidential succession;

(X) purchase of books and manuscripts and erection of monuments to the memory of individuals;

(XI) Senate Library and statuary, art, and pictures in the Capitol and Senate office buildings;

(XII) services to the Senate, including the Senate restaurant; and

(XIII) United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(B) Such committee shall have the duty—

(i) to report the matters required to be reported by committee under titles III and IV of the Congressional Budget Act of 1974;

(ii) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate or House, as appropriate, on a recurring basis;

(iii) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate or House, as appropriate, on a recurring basis;

(iv) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties; and

(v) to establish legislative priorities and a schedule for the Senate or House, as appropriate, at the beginning of each Congress.

(2) Committee on Agriculture, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Agriculture.

(3) Committee on Commerce, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Commerce.

(4) Committee on Defense, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Defense.

(5) Committee on Education, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Education.

(6) Committee on Energy and Interior, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Department of Energy.

(B) Department of the Interior.

(7) Committee on the Environment, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Environmental Protection Agency.

(8) Committee on Foreign Relations, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of State.

(9) Committee on Governmental Affairs, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Executive branch general organization.

(B) Federal employees and the Post Office.

(10) Committee on Health and Human Services, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Health and Human Services.

(11) Committee on Housing and Urban Development, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Housing and Urban Development.

(12) Committee on the Judiciary, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Judicial Branch.

(B) Department of Justice.

(C) Elections.

(D) Law enforcement.

(E) Constitutional amendments.

(F) Civil liberties.

(13) Committee on Labor, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Labor.

(14) Committee on Transportation, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Transportation.

(15) Committee on Treasury, Banking, and Finance, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Department of the Treasury.

(B) Federal Service Board.

(C) Securities and Exchange Commission.

(16) Committee on Veterans Affairs, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Veterans Affairs.

(17) Other agencies. The Committees listed in paragraphs (2) through (16) shall have jurisdiction over any Federal agency not listed with such committee that is responsible for laws related to the committee's jurisdiction.

(b) COMMITTEE ON LEADERSHIP AND NATIONAL PRIORITIES.—The Committee on Leadership and National Priorities shall consist of—

(1) the chairman and ranking member of each standing committee; and

(2) 6 additional members, 4 from the majority party and 2 from the minority party.

(c) SERVICE ON COMMITTEES.—A Member of Congress may serve on not more than 2 committees except that members of the Committee on Leadership and National Priorities may serve on 3.

SEC. 302. TECHNICAL AND CONFORMING AMENDMENTS IN THE SENATE.

(a) REDESIGNATIONS.—Paragraphs 1, 2, 3, 4, 6, and 7 of rule XVI of the Standing Rules of the Senate are repealed, and paragraphs 5 and 8 are renumbered as paragraphs "1" and "2", respectively.

(b) COMMITTEE ON APPROPRIATIONS.—

(1) Subparagraph (b) of paragraph 4 of rule XVII of the Standing Rules of the Senate is amended by striking out "(except the Committee on Appropriations)".

(2) Rule XXVI of the Standing Rules of the Senate is amended—

(A) by striking out "(except the Committee on Appropriations)" in each instance where it appears,

(B) by striking out "(except the Committee on Appropriations and the Committee on the Budget)" in each instance where it appears, and inserting in lieu thereof the following "(except the Committee on National Priorities)",

(C) by striking out "The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget." in subparagraph 5(a) and inserting in lieu thereof "The prohibition contained in the preceding sentence shall not apply to the Committee on National Priorities.",

(D) by striking out the last sentence of subparagraph 10(b), and

(E) by striking out "(except those by the Committee on Appropriations)" in subparagraph 11(b).

SEC. 303. EFFECTIVE DATE.

The provisions of this title shall take effect on the first day of the first Congress following the date of enactment.

TITLE IV—BIENNIAL BUDGET

SEC. 401. SHORT TITLE.

This title may be cited as the "Biennial Budget Act of 1993".

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that the present annual Federal budgeting process—

(1) allows insufficient time for the fulfillment by the Congress of its legislative and oversight responsibilities;

(2) allows insufficient time for the review and consideration by the Congress of authorizing legislation, budget resolutions, and appropriation bills and resolutions and other spending measures;

(3) allows insufficient time for the evaluation of costly and complicated Federal programs, and thereby contributes to the unrestrained growth of the Federal budget; and

(4) allows insufficient time for agencies and State and local governments to plan for the implementation of programs.

(b) PURPOSE.—It is the purpose of this title—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

SEC. 403. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress (beginning with the One Hundred Fourth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
First Monday after January 3.	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Committees on Leadership and National Priorities.
February 25	Committees submit views and estimates to Committees on Leadership and National Priorities.
March 31	Committees on Leadership and National Priorities report concurrent resolution on the biennial budget.
April 15	Congress completes action on concurrent resolution on the biennial budget.

"First Session—Continued

May 15	Biennial appropriation bills may be considered in the House.
June 10	House Committees report last biennial appropriation bill.
September 30 ..	Congress completes action on reconciliation legislation.
September 30 ..	Congress completes action on biennial appropriation bills.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
May 15	Congressional Budget Office submits report to Committees on Leadership and National Priorities.
The last day of the session.	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.".

SEC. 404. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) DUTIES OF CBO.—

(1) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(A) by striking "February 15 of each year" and inserting "February 15 of each odd-numbered calendar year";

(B) by striking "the fiscal year commencing" and inserting "each fiscal year in the biennium commencing";

(C) by striking "such fiscal year" the first place it appears and inserting "such biennium"; and

(D) by striking "such fiscal year" the second place it appears and inserting "each fiscal year in such biennium".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is further amended—

(A) in paragraph (2) by striking "The Director shall from time to time" and inserting "On May 15 of each even numbered year and at such other times as he or she deems appropriate, the Director shall"; and

(B) in paragraph (3)—

(i) by striking "January 15" and inserting "February 15",

(ii) by striking "each year" and inserting "each even-numbered calendar year",

(iii) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting "either fiscal year in the biennium beginning October 1 of the preceding calendar year",

(iv) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting "either fiscal year of such biennium", and

(v) by striking "fiscal year beginning October 1 of that calendar year" and inserting "succeeding biennium".

(d) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting "April 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it

appears and inserting "biennium beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period; and

(D) by striking "each of the two ensuing fiscal years" and inserting "each fiscal year in the succeeding biennium".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a biennium" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by striking "February 25 of each year" and inserting "February 25 of each odd-numbered year".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting "biennium";

(B) by inserting between the second and third sentences the following new sentence: "On or before March 31 of each odd-numbered year the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year."; and

(C) in paragraph (6)—

(i) by striking "five" and inserting "four",

(ii) by striking "such fiscal year" and inserting "the first fiscal year of such biennium,", and

(iii) by striking "such period" and inserting "such four-fiscal-year period".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(6) The section heading of section 301 of such Act is amended by striking "annual" and inserting "biennial".

(7) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual" in the item relating to section 301 and inserting "Biennial".

(e) COMMITTEE ALLOCATIONS.—

(1) Paragraphs (1) and (2) of section 302(a) of such Act (2 U.S.C. 633(a)) are amended—

(A) by inserting "for a biennium" after "budget" the first place it appears in each such paragraph; and

(B) by inserting "for each fiscal year in such biennium" after "estimated allocation" each place it appears.

(2) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended—

(A) by striking "for a fiscal year" each place it appears and inserting "for either fiscal year in a biennium"; and

(B) by striking "for such fiscal year" each place it appears and inserting "for such biennium".

(3) Section 302(f)(1) of such Act (2 U.S.C. 633(f)(1)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium", and

(B) by striking "such fiscal year" each place it appears in the matter preceding subparagraph (A) and inserting "a fiscal year in such biennium".

(4) Section 302(f)(2) of such Act is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium", and

(B) by striking "for such fiscal year" and inserting "for a biennium".

(f) SECTION 303 POINT OF ORDER.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) by striking "fiscal year" each place it appears and inserting "biennium"; and

(B) in the matter following paragraph (2) by striking "any calendar year" and inserting "any odd-numbered calendar year".

(g) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such biennium".

(h) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(b)(3) of such Act (2 U.S.C. 636(b)(3)) is amended—

(1) striking "the concurrent" and inserting "a concurrent"; and

(2) by striking "fiscal year" and inserting "biennium".

(i) REPORT AND SUMMARIES OF CONGRESSIONAL BUDGET ACTIONS.—

(1)(A) Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(i) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting "biennium",

(ii) in subparagraph (a) by striking "fiscal year" and inserting "biennium", and

(iii) in subparagraph (C) by striking "such fiscal year" and inserting "such biennium".

(B) Section 308(a)(2) of such Act is amended by striking "fiscal year" and inserting "biennium".

(2) Section 308(b)(1) of such Act (2 U.S.C. 639(b)(1)) is amended—

(A) by striking "fiscal year" the first place it appears and inserting "biennium";

(B) by inserting "for such biennium" after "concurrent resolution on the budget"; and

(C) by striking "the fiscal year preceding such fiscal year" and inserting "each fiscal year in the biennium preceding such biennium".

(3) Section 308(c) of such Act (2 U.S.C. 639(c)) is amended—

(A) by striking "Five" in the subsection heading and inserting "Four";

(B) by striking "fiscal year" each place it appears in the manner preceding paragraph (1) and inserting "biennium"; and

(C) by striking "5 fiscal years" and inserting "4 fiscal years".

(j) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "regular"; and

(3) by striking "fiscal year" and inserting "biennium".

(k) RECONCILIATION PROCESS.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting "any biennium";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "each fiscal year in such biennium"; and

(C) in paragraph (2) by inserting "for each fiscal year in such biennium" after "revenues".

(2) Section 310(e) of such Act (2 U.S.C. 641(e)) is amended—

(A) by striking "20 hours" in paragraph (2) and inserting "100 hours"; and

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

"(3) It shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or resolution or any amendment thereto or any conference report thereon which changes any provision of law other than provisions of law which—

"(A) provide new budget authority or spending authority described in section 401(c)(2);

"(B) relate to revenues; or

"(C) specify the amount of the statutory limit on the public debt.".

(3) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended—

(A) by inserting "of any odd-numbered calendar year" after "July",

(B) by striking "fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains" and inserting "biennium beginning on October 1 of such calendar year", and

(C) by striking "for such fiscal year" and inserting "for such biennium".

(l) SECTION 311 POINT OF ORDER.—

(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium";

(B) by striking "such fiscal year" the first, second, and third places it appears and inserting "a fiscal year in such biennium";

(C) by inserting "for such fiscal year" after "outlays";

(D) by striking "concurrent resolution on the budget for such fiscal year" and inserting "concurrent resolution on the budget for the biennium in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears; and

(F) by inserting "for such fiscal year" after "set forth" the second place it appears.

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended—

(A) by striking "such fiscal year" the first place it appears and inserting "a biennium"; and

(B) by striking "such fiscal year" the second place it appears and inserting "either fiscal year in such biennium".

(m) BILLS PROVIDING NEW SPENDING AUTHORITY.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting "for the biennium in which such fiscal year occurs".

(n) ANALYSIS BY CBO.—Section 403(a) of the Congressional Budget Act of 1974 (2 U.S.C. 653(a)) is amended—

(1) by striking "the fiscal year" in paragraph (1) and inserting "each fiscal year in the biennium";

(2) by striking "4 fiscal years following such year" in paragraph (1) and inserting "each fiscal year in the succeeding biennium";

(3) by striking "the fiscal year" in paragraph (2) and inserting "each fiscal year in the biennium"; and

(4) by striking "four fiscal years following such fiscal year" in paragraph (2) and inserting "each fiscal year in the succeeding biennium".

SEC. 405. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) is amended to read as follows:

"(a) On or before the first Monday after January 3 of each odd-numbered year, beginning with the One Hundred Fourth Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting "each fiscal year in the biennium"; and

(B) by striking "4 fiscal years after that year" in subparagraph (B) and inserting "2 fiscal years immediately following the second fiscal year in such biennium".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting "in that fiscal year".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting "biennium for";

(2) by inserting "or current biennium, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting "that period".

(e) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting "biennium".

(f) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(g) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting "biennium";

(B) in paragraph (1) by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2) by striking "4 fiscal years following the fiscal year" and inserting "2 fiscal years following the biennium";

(D) by striking "future fiscal years" in paragraph (3) and inserting "the 2 fiscal years following the biennium for which the budget is submitted"; and

(E) by striking "fiscal year" in paragraph (3) and inserting "biennium".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(h) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1994)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "February 25 of each odd-numbered year".

(i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting "biennium (beginning on or after October 1, 1995)", and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the biennium begins".

(j) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting "For each biennium beginning with the biennium beginning on October 1, 1995, the"; and

(2) by striking "each year" each place it appears.

SEC. 406. TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriation Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the biennium ending September 30 (here insert the odd-numbered calendar year).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 407. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking "such fiscal year" and inserting "the biennium in which such fiscal year begins".

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "concurrent resolution on the budget for each fiscal year" and inserting "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each biennium".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting "March 15 of each odd-numbered year";

(2) by striking "fiscal year" the first place it appears and inserting "biennium"; and

(3) by striking "that fiscal year" and inserting "each fiscal year in such ensuing biennium".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting "biennium if reported after August 1 of the year in which such biennium begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

SEC. 408. EFFECTIVE DATE; APPLICATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall become effective January 1, 1995, and shall apply to bienniums beginning after September 30, 1995.

(b) FISCAL YEAR 1995.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this title) shall

apply to the fiscal year beginning on October 1, 1994.

(c) DEFINITION.—For purposes of this section, the term "biennium" shall have the meaning given to such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)), as added by section 403(b)(2) of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The bill is entitled the "Congressional Reorganization Act of 1993."

TITLE I—REDUCTIONS IN CONGRESSIONAL SPENDING

Section 101. Reduction in congressional committee budgets and support staff. This section provides for a 25% budget reduction in Congressional committee and support staff over a three year period of time based on Fiscal Year 1993 levels.

A 10 percent reduction will be made during the first and second year and the final 5% reduction will be made the third year.

Section 102. Return of official funds to the Treasury. All unused funds remaining in the Senator's Official Personnel and Office Expense Account at the end of the fiscal year will be returned to the Treasury for the purpose of reducing the federal deficit.

TITLE II—CONGRESSIONAL AGENDA AND PRIORITY NATIONAL ISSUES

Section 201. Task Force. At the beginning of each Congress, the Senate and House of Representatives shall determine by February 15, no more than 5 issues that need priority attention during such Congress. Each body will then create no more than 5 task forces to study and recommend legislative remedies for Congress.

These task forces are authorized to utilize professional staff from the standing committees and federal agencies without providing additional compensation. In addition, the task forces may retain the services of consultants and experts in related fields in order to accomplish the mission of the task force. Funding for such consultants and experts will come from the Committee on Leadership and National Priorities.

The task forces are not authorized to maintain permanent staff.

Section 202. Congressional Agenda. The task forces created in section 201 will submit recommendations to the appropriate committees of original jurisdiction no later than 12 months after the creation of the task force.

Section 203. Membership. Each Member of Congress shall be appointed by party leadership to sit on one task force.

TITLE III—REORGANIZATION OF COMMITTEES OF THE HOUSE AND SENATE

Section 301. New committee structure. Section 301 establishes the Committee on Leadership and National Priorities. The Committee on Leadership and National Priorities will be responsible for the following areas:

Budget.

Rules and Administration.

Establish legislative priorities and scheduling.

Section 301 also establishes the following fifteen standing committees:

Committee on Agriculture. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Agriculture.

Committee on Commerce. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Commerce.

Committee on Defense. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Defense.

Committee on Education. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Education.

Committee on Energy and Interior. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Energy and the Department of the Interior.

Committee on the Environment. This committee will have jurisdiction over all matters (including appropriations) that relate to the Environmental Protection Agency.

Committee on Foreign Relations. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of State.

Committee on Governmental Affairs. This committee will have jurisdiction over all matters (including appropriations) that relate to the following subjects:

Executive branch general organization.

Federal employees and the Post Office.

Committee on Health and Human Services. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Health and Human Services.

Committee on Housing and Urban Development. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Housing and Urban Development.

Committee on the Judiciary. This committee will have jurisdiction over all matters (including appropriations) that relate to the following subjects:

Judicial Branch.

Department of Justice.

Elections.

Law Enforcement.

Constitutional amendments.

Civil liberties.

Committee on Labor. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Labor.

Committee on Transportation. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Transportation.

Committee on Treasury, Banking, and Finance. This committee will have jurisdiction over all matters (including appropriations) that relate to the following subjects:

Department of the Treasury.

Federal Service Board.

Securities and Exchange Commission.

Committee on Veterans Affairs. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Veterans Affairs.

Section 301 also provides an accommodating clause for any federal agency or quasi-federal agency not previously mentioned in the legislation.

Section 301 states that the Committee on Leadership and National Priorities shall consist of the chairman and ranking member of each of the standing committees plus 6 additional members. The additional members shall be chosen by party leadership—4 from the majority party and 2 from the minority party.

Section 301 further states that Members may sit on no more than two standing committees. An exception to this rule is made for Members who sit on the Committee on Leadership and National Priorities. Members of this committee may reside on no more than three committees.

Section 302. Technical and conforming amendments. This section makes the necessary changes to existing Senate rules.

Section 303. Effective date. Makes the provisions of this title effective on the first day of the first Congress following the enactment of this legislation.

TITLE IV—BIENNIAL BUDGET

Section 401. Short title. This title may be cited as the "Biennial Budget Act of 1993".

Section 402. Findings and Purpose. This section states that the present annual federal budgeting process does not allow the Congress sufficient time to fulfill its legislative and oversight responsibilities. Further, the current federal budget process does not allow enough time for the review and consideration by the Congress of authorizing legislation, budget resolutions, appropriation bills and other spending measures. The annual federal budget process does not allow enough time for the Congress to properly evaluate costly and complicated federal programs, thereby contributing to unrestrained growth in the federal budget. Finally, the annual federal budget process places undue hardship on agencies and state and local governments by not allowing enough time to plan for the implementation of programs.

Section 402 further states that a biennial budget will improve Congressional control over the federal budget process and streamline this process in order to promote better accountability to the public. The biennial federal budget process will provide additional time for congressional oversight and other vital legislative activities. In addition, a biennial federal budget will provide stability and coherence for recipients of federal funds.

Section 403. Revision of timetable. This section revises the timetable so that all budget actions will reflect the change in committee structure and the change from an annual federal budget process to a biennial federal budget process.

Section 404. Amendments to the Congressional Budget and Impoundment Control Act of 1974. This section makes technical changes to the Congressional Budget and Impoundment Control Act of 1974 necessary for a biennial federal budget process.

Section 405. Amendments to title 31, United States Code. This section makes technical changes to title 31, USC necessary for a biennial federal budget process.

Section 406. Title and style of appropriations acts. This section makes technical changes to Section 105 of title 1, USC necessary for a biennial federal budget process.

Section 407. Amendments to the rules of the House of Representatives. This section makes technical changes to the rules of the House of Representatives necessary for a biennial federal budget process.

Section 408. Effective date; application. This section clarifies the effective dates for which this title shall apply.

By Mr. AKAKA (for himself, Mr. LEAHY, Mr. CRAIG, Mr. GORTON, and Mr. PELL):

S. 1288. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL AQUACULTURE DEVELOPMENT, COMMERCIALIZATION AND PROMOTION ACT OF 1993

Mr. AKAKA. Mr. President, today I am introducing legislation to help the

United States become more competitive in the expanding global economy. My bill is designed to stimulate one of the fastest growing components of agriculture in the United States—aquaculture farming.

As the United States adjusts to the changing world economy and searches for new opportunities for economic development and job creation, the potential of aquaculture must be given more serious attention. Judged by world standards, however, the U.S. aquaculture industry lags far behind the competition. China, Japan, India, Indonesia, Korea, the Philippines, Norway, Thailand, and the former Soviet Union all enjoy a larger share of the global aquaculture market.

The United States currently imports 60 percent of its fish and shellfish, resulting in a $3.3 billion annual trade deficit for seafood. Clearly, there is potential to expand aquaculture production and increase U.S. market share. Aquaculture is a diverse industry that affects all regions of the country. More than 30 States produce at least two dozen commercially important aquaculture species. Indeed, the outlook for aquaculture is promising, if more can be done to stimulate its continued development and promote the commercialization of new aquaculture technologies.

According to industry sources, nearly one-quarter of global seafood consumption will come from fish farming by the year 2000. Based on population projections and assuming stable wild fishery harvests, world aquaculture production must double by the end of this decade and increase sevenfold in the next 35 years to keep pace with rising demand for seafood.

The international market for aquaculture is vast, and the United States is well-equipped to become a leader in aquaculture production and technology. Supported by a national commitment, American farmers have developed the most productive terrestrial agriculture system on Earth. A similar effort is needed to help the United States increase its share of the world aquaculture market. A national commitment is essential to the future success of aquaculture in the United States. We have the finest research institutions in the world. We simply need to redirect some of our research energy toward promising technologies like aquaculture.

The bill I have introduced would stimulate aquaculture development in a comprehensive fashion. Entitled the National Aquaculture Development, Commercialization, and Promotion Act, the bill would promote a coordinated Federal aquaculture policy to ensure the most efficient use of available resources. Senators LEAHY, CRAIG, GORTON, and PELL have joined me in cosponsoring this legislation.

The bill authorizes funds for research on the latest technologies for aquaculture farming. The bill would establish an international exchange program to allow our researchers to learn about successful production methods in countries where aquaculture is more highly developed. It would also improve education about aquaculture through programs for high school and vocational education students.

Efforts to expand the U.S. aquaculture industry will not go unrewarded. The current U.S. trade deficit for seafood stands at $3.3 billion. If we could reduce our seafood trade deficit by one-third through expanded aquaculture production, we would create 25,000 new jobs. That is what this aquaculture bill is about—creating jobs and putting Americans to work in new, promising industries.

The opportunity for job creation is unusually promising. Consumer demand for seafood has increased well beyond that which can be attributed to population growth. Rising demand coincides with the decline of many of the world's fisheries. Thus, the opportunity exists for U.S. aquaculture production to satisfy the increasing demand for seafood both at home and abroad.

Before the United States can effectively compete in the world market, however, we must increase the number of trained technicians able to serve in the aquaculture work force. As technology becomes more complex, the demand for a skilled work force will also increase. Education and extension programs must do a better job of interesting students in the potential of aquaculture. This will allow industry to recruit competent technicians, scientists, and engineers into the aquaculture work force. The U.S. aquaculture industry represents real job growth and opportunity for Americans.

Nowhere is the opportunity for aquaculture more promising than in Hawaii. We have a skilled labor force, access to Asian and North American markets, and a climate that permits harvesting throughout the year. Aquaculture can strengthen our employment base and help fill the gaps caused by the decline in sugar. With the right encouragement, aquaculture can become a cornerstone of diversified agriculture in Hawaii.

In Hawaii, the service components of the aquaculture industry benefit urban areas while commercial farms and private aquaculturists benefit rural communities. With the decline of sugar, commercial aquaculture offers many land-use advantages. Aquaculture is capable of supporting more jobs per acre than plantation agriculture, and aquaculture promotes jobs that are high-wage and high-technology.

More than 100 Hawaiian aquaculture production and service businesses generate annual sales of $25 million. Over the last 15 years, the State has spent $15.7 million to grow our aquaculture industry. This investment has helped generate cumulative revenues totaling $315.9 million during this period. Every $1 spent by the taxpayers of Hawaii generates $20 of aquaculture revenue.

The cost-benefit ratio is impressive, but we can do better. The industry in Hawaii, like many other regions in the United States, is poised to increase production, sales revenues, and demand for much needed jobs.

The road to success must be paved with pragmatic legislation. My bill would declare aquaculture to be a form of agriculture and would treat cultured aquatic plants and animals as livestock and agricultural commodities for the purpose of programs administered by the U.S. Department of Agriculture.

My bill would authorize the Secretary of Agriculture to make grants and award contracts to support highly focused applied research and the investigations of new products and processes that have the greatest potential for aquaculture commercialization.

The bill would authorize the Secretary of Agriculture to establish a program to improve instruction about aquaculture in agriculture curriculum and to educate high school and vocational education students about the basic principles of aquaculture farming.

Finally, my bill would authorize the Secretary of Agriculture to provide assistance to eligible aquaculture farmers who suffer losses of an aquatic crop as a result of damaging weather or related condition.

Aquaculture is truly an exciting endeavor. Outstanding research facilities, emerging high-tech opportunities, and a skilled work force will enable the United States to make a national commitment to aquaculture. The enactment of this legislation will allow U.S. aquaculture farms to compete successfully for an increased share of the world aquaculture market.

The National Aquaculture Development, Commercialization, and Promotion Act of 1993 is a road map for America's future success in aquaculture.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1288

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; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Aquaculture Development, Commercialization, and Promotion Act of 1993".

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

Sec. 4. National aquaculture development plan.
Sec. 5. National Aquaculture Information Center; assignment of new programs; market development program.
Sec. 6. Coordination with the aquaculture industry.
Sec. 7. Aquaculture commercialization research.
Sec. 8. National policy for private aquaculture.
Sec. 9. Pollution assessment.
Sec. 10. Native American fishpond revitalization.
Sec. 11. Disaster assistance for aquaculture farms.
Sec. 12. Aquaculture education.
Sec. 13. International aquaculture scientific exchange.
Sec. 14. Authorization of appropriations.
Sec. 15. Eligibility of aquaculture farmers for farm credit assistance.
Sec. 16. International aquaculture information and data collection.
Sec. 17. Eligibility of aquaculture farms for emergency conservation program.
Sec. 18. Aquaculture information network report.
Sec. 19. Implementation report.

(c) REFERENCES TO NATIONAL AQUACULTURE ACT OF 1980.—Except as otherwise expressly 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 National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Subsection (a) of section 2 (16 U.S.C. 2801(a)) is amended to read as follows:

"(a) FINDINGS.—Congress finds the following:

"(1) The wild harvest or capture fisheries of certain seafood species exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

"(2) To satisfy the domestic market for aquatic food, the United States imports more than 59 percent of its seafood. This dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies and product quality.

"(3) Although aquaculture currently contributes approximately 16 percent by weight of world seafood production, less than 9 percent by weight of current United States seafood production results from aquaculture. As a result, domestic aquaculture production has the potential for significant growth.

"(4) Aquaculture production of aquatic animals and plants can provide sources for food, industrial materials, pharmaceuticals, energy, and aesthetic enjoyment, and can assist in the control and abatement of pollution.

"(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquaculture technology.

"(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

"(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as—

"(A) inadequate credit;

"(B) limited research and development programs;

"(C) diffused legal jurisdiction;

"(D) inconsistent interpretations between Federal agencies;

"(E) the lack of management information;

"(F) the lack of supportive policies of the Federal Government;

"(G) the lack of therapeutic compounds for treatment of the diseases of aquatic animals and plants; and

"(H) the lack of reliable supplies of seed stock.

"(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies and regulations that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

"(9) In 1990, the United States ranked only tenth in the world in aquaculture production based on total value of products.

"(10) Despite the current and increasing importance of private aquaculture to the United States economy and to rural areas in the United States, Federal efforts to nurture aquaculture development have failed to keep pace with the needs of fish and aquatic plant farmers.

"(11) The United States has a premier opportunity to develop an important new agricultural industry to serve national needs and the global marketplace.

"(12) United States aquaculture provides wholesome products for domestic consumers and contributes significantly to the quality of life in rural areas in the United States.

"(13) Since 1980, the United States trade deficit in edible fishery products foods has increased by 48 percent, from $1,777,921,000 to $2,634,738,000 in 1991.

"(14) Aquaculture is poised to become a major growth industry of the 21st century. With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture would have to increase production by 700 percent, a total of 77 million metric tons annually.

"(15) Private aquaculture production in the United States has increased an average of 20 percent by weight annually since 1980, and is one of the fastest growing segments of United States and world agriculture.

"(16) In 1990, private United States aquaculture production was 860,750,000 pounds, worth $761,500,000 to United States fish farmers, up from 203,178,000 pounds, worth $191,977,000, in 1980.

"(17) Since 1960, per capita consumption of aquatic foods in the United States has increased by 49 percent to 14.9 pounds in 1991, and could reach 20 pounds by the year 2000. Total United States demand is projected to double by 2020.".

(b) PURPOSE.—Subsection (b) of section 2 (16 U.S.C. 2801(b)) is amended to read as follows:

"(b) PURPOSE.—It is the purpose of this Act to promote aquaculture in the United States by—

"(1) declaring a national aquaculture policy;

"(2) establishing private aquaculture as a form of agriculture;

"(3) establishing cultivated aquatic animals, plants, microorganisms, and their products produced by private persons and moving in standard commodity channels as agricultural livestock, crops, and commodities;

"(4) establishing the Department as the lead Federal agency for the development, implementation, promotion, and coordination of national policy and programs for private aquaculture by—

"(A) designating the Secretary as the permanent chairperson of a Federal interagency aquaculture coordinating group;

"(B) assigning overall responsibility to the Secretary for coordinating, developing, and carrying out policies and programs for private aquaculture; and

"(C) establishing a National Aquaculture Information Center within the Department to support the United States aquaculture industry; and

"(5) encouraging—

"(A) aquaculture activities and programs in both the public and private sectors of the economy of the United States;

"(B) the creation of new industries and job opportunities related to aquaculture activities;

"(C) the reduction of the fisheries trade deficit; and

"(D) other national policy benefits deriving from aquaculture activities.".

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking "the propogation" and all that follows through the period at the end and inserting "the controlled cultivation of aquatic plants and animals.";

(2) in paragraph (3), by inserting before the period at the end the following: "or microorganism";

(3) by redesignating paragraphs (7) through (9) as paragraphs (9) through (11), respectively;

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following new paragraph:

"(5) The term 'Department' means the United States Department of Agriculture"; and

(6) by inserting before paragraph (9) (as redesignated by paragraph (3)) the following new paragraph:

"(8) The term 'private aquaculture' means the controlled cultivation of aquatic plants and animals other than cultivation carried out by, or under contract with, the Federal Government or any State or local government.".

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 (16 U.S.C. 2803) is amended—

(1) in the second sentence of subsection (c)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C);

(2) in the second sentence of subsection (d), by striking "Secretaries determine" and inserting "Secretary, in consultation with the other Secretaries, determines";

(3) in subsection (e)—

(A) by striking "Secretaries" and inserting "Secretary"; and

(B) by inserting "and in consultation with the other Secretaries and representatives of other Federal agencies" after "coordinating group"; and

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

"(f) ACCOMPLISHMENTS IN AQUACULTURE PROGRAMS.—Not later than December 31, 1994, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall submit to Congress a report evaluating the actions taken in accordance with subsection (d) with respect to the Plan, and making recommendations for updating and modifying the Plan. The report shall also contain a compendium on Federal regulations relating to aquaculture.".

SEC. 5. NATIONAL AQUACULTURE INFORMATION CENTER; ASSIGNMENT OF NEW PROGRAMS; MARKET DEVELOPMENT PROGRAM.

Section 5 (16 U.S.C. 2804) is amended—

(1) in subsection (b)(3), by striking "Secretaries deem" and inserting "Secretary, in consultation with the other Secretaries, considers";

(2) in subsection (c)(1)(B)—

(A) by striking clause (i) and inserting the following new clause:

"(i) establish, within the Department, within the National Agricultural Library, a National Aquaculture Information Center that shall—

"(I) serve as a repository and clearinghouse for the information collected under subparagraph (A) and other provisions of this Act;

"(II) carry out a program to notify organizations, institutions, and individuals known to be involved in aquaculture of the existence of the Center and the kinds of information that the Center can make available to the public; and

"(III) make available, on request, information described in subclause (I) (including information collected under subsection (e));"; and

(B) in clause (ii), by striking the comma and inserting a semicolon;

(3) in the first sentence of subsection (d), by striking "Interior,," and inserting "Interior,"; and

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

"(e) ASSIGNMENT OF NEW PROGRAMS.—In consultation with representatives of the United States aquaculture industry and in coordination with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal agencies, the Secretary shall assess Federal aquatic animal health programs and make recommendations as to the appropriate assignment to Federal agencies of new programs, initiatives, and activities in support of aquaculture and resource stewardship and management.

"(f) USE OF EXCESS SECTION 32 FUNDS.—(1)(A)(i) Subject to subparagraphs (B) and (C), the Secretary shall expend for aquaculture export promotion, research, development, education, market development, and demonstration projects, for each fiscal year, an amount equal to the aquaculture production percentage of the funds remaining available to the Department for the fiscal year under section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 14, 1935 (7 U.S.C. 612c), after the application of the first 5 sentences of such section.

"(ii) As used in clause (i), the term 'aquaculture production percentage' means the annual weight of aquaculture products of the United States divided by the annual weight of fisheries landings of the United States (other than landings that are not used for human consumption).

"(B) The Secretary may expend all or part of the funds required to be expended pursuant to subparagraph (A)(i) for the purpose of strengthening aquaculture markets, income, and supply.

"(C) In determining the purposes for which the funds required to be expended pursuant to subparagraph (A)(i) are to be expended, the Secretary shall give high priority to carrying out subsection (e)(2).

"(2) For the purpose of carrying out this Act, for each fiscal year, the Secretary may expend the funds remaining available to the Department for the fiscal year under section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 14, 1935 (7 U.S.C. 612c), after the application of paragraph (1).

"(3) For each fiscal year, if funds remain available to the Department for the fiscal year under section 32 of such Act after the exercise (if any) of authority under paragraph (2), the Secretary shall provide to the National Aquaculture Information Center established under subsection (c)(1)(B)(i) for activities of the Center during the fiscal year the lesser of—

"(A) the amount of the remaining funds; or

"(B)(i) $1,000,000; minus

"(ii) the lesser of—

"(I) any funds provided to the Center under paragraph (2); or

"(II) $1,000,000.".

SEC. 6. COORDINATION WITH THE AQUACULTURE INDUSTRY.

Section 6(b) (16 U.S.C. 2805(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

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

"(7) in order to facilitate improved communication and interaction among aquaculture producers, the aquaculture community, the Federal Government, and the coordinating group, establish a working relationship with—

"(A) the industry advisory councils of the regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)); and

"(B) national organizations, commodity associations, and professional societies representing aquaculture interests.".

SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

The Act (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7 through 11 as sections 14 through 18, respectively; and

(2) by inserting after section 6 the following new section:

"SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

"(a) DEFINITIONS.—As used in this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private research or educational organization, private company, regional center, Federal, State, or regional agency, or individual that is eligible to receive a grant or enter into a contract under this section.

"(2) REGIONAL AQUACULTURE CENTER.—The term 'regional aquaculture center' means an aquacultural research, development, and demonstration center established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)).

"(b) ASSISTANCE AND COORDINATION.—

"(1) IN GENERAL.—The Secretary—

"(A) may pay the Federal share of the cost of making grants and awarding contracts to eligible entities to support aquaculture research that—

"(i) demonstrates strong potential for aquaculture becoming commercially viable; or

"(ii) will assist the United States aquaculture industry in developing aquaculture products or processes that will be competitive with aquaculture products or processes of other countries; and

"(B) shall, acting through the executive committee of the interagency aquaculture coordinating group established pursuant to section 6, coordinate the implementation of a research program based on the findings contained in the report entitled 'Report of the Joint Committee on Aquaculture Task Force on Therapeutic Compounds', published in August 1988.

"(2) COST SHARE.—

"(A) FEDERAL SHARE.—Except as provided in subparagraph (B), the Federal share of the cost of a project carried out under—

"(i) paragraph (1)(A), shall be 80 percent; and

"(ii) paragraph (1)(B), shall be 100 percent.

"(B) REMAINING SHARE.—The remaining share of the cost of a project carried out under paragraph (1)(A) may be—

"(i) in the form of cash or in-kind payments, or both; and

"(ii) partially comprised of funds made available under other Federal programs, except that the non-Federal share of the project may not be less than 10 per cent of the cost of the project.

"(c) PRIORITIES.—In making grants or awarding contracts under subsection (b), the Secretary shall give priority to—

"(1) highly focused applied research;

"(2) investigations of new products or processes that demonstrate a high potential for aquaculture commercialization;

"(3) market development programs for new or improved aquaculture products or processes;

"(4) field testing, commercial field trials, and applications of aquaculture research to private aquaculture that would promote the transfer of promising aquaculture technologies to the marketplace;

"(5) activities that have strong potential to create employment opportunities; and

"(6) other activities that accelerate the commercialization of promising aquaculture technologies.

"(d) COMPETITIVE REVIEW.—

"(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under subsection (b), a proposal shall undergo competitive review.

"(2) COMPETITIVE REVIEW PANELS.—A competitive review panel shall be composed of individuals appointed by the Secretary, at least 50 percent of whom work in private aquaculture or are private sector representatives who understand sound business practices and are qualified to objectively evaluate the likelihood of a proposal being economically successful or promoting economic success within the aquaculture industry. Each competitive review panel shall contain at least 1 representative from a regional aquaculture center.

"(3) EVALUATION.—A competitive review panel shall base an evaluation of a proposal under this subsection on—

"(A) the quality of the proposal and the research methodology;

"(B) the capability of the participating organization to perform the proposed work;

"(C) the potential for fostering commercialization, job creation, and increased sales of aquaculture products;

"(D) the amount of matching funds provided by the supported entity or obtained from non-Federal sources;

"(E) the extent of collaboration with other Federal and State programs;

"(F) the existence of a business plan that reasonably projects the benefits of the support being requested;

"(G) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity;

"(H) whether the project would promote responsible environmental stewardship; and

"(I) such other factors as the competitive review panel determines to be appropriate.

"(e) LIMITATIONS.—

"(1) REGIONAL AQUACULTURE CENTERS.—Not less than 60 percent of the amounts made available to carry out this section during a fiscal year shall be used to carry out projects that will facilitate the commercialization of preliminary research or investigations that have been funded or coordinated by regional aquaculture centers.

"(2) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amounts made available to carry out this section during a fiscal year may be used by the Secretary for the expenses of administration and information collection and dissemination.

"(3) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(f) REPORTS.—An eligible entity that receives a grant or enters into a contract under a project carried out under this section shall submit an annual progress report, and a final report, to the Secretary that—

"(1) describes project activities and commercial and economic accomplishments and impacts; and

"(2) in the case of an annual progress report, includes a project plan for the subsequent year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 7 (as added by section 7(2)) the following new section:

"SEC. 8. IMPLEMENTATION OF NATIONAL POLICY FOR PRIVATE AQUACULTURE.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of other agencies, as appropriate, shall coordinate and implement a national policy for private aquaculture in accordance with this section.

"(b) DEPARTMENT AQUACULTURE PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a Department Aquaculture Plan (referred to in this section as the 'plan') for a unified Department aquaculture program, coordinated by the Director of the Office of Aquaculture of the Department, to support the development of private United States aquaculture.

"(2) ELEMENTS OF PLAN.—The plan shall address—

"(A) individual agency programs related to aquaculture in the Department that are consistent with Department programs applied to other agricultural programs, livestock, crops, products, and commodities under the jurisdiction of Department agencies;

"(B) the treatment of cultivated aquatic animals as livestock and cultivated aquatic plants as agricultural crops; and

"(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

"(3) DEADLINE.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Commercialization, and Promotion Act of 1993, the Secretary shall submit the plan to Congress.

"(4) REPORTS.—Not later than 1 year after the date of the submission of the plan pursuant to paragraph (3), and annually thereafter, the Secretary shall report to Congress on actions taken to implement the plan during the year preceding the date of the report.

"(5) NATIONAL AQUACULTURE INFORMATION CENTER.—

"(A) IN GENERAL.—In carrying out section 5, the Secretary shall maintain and support the National Aquaculture Information Center (referred to in this paragraph as the 'Center') as a repository for information on national and international aquaculture.

"(B) PUBLIC ACCESS.—Information in the Center shall be made available to the public.

"(C) INTERNATIONAL EXCHANGE.—The head of the Center shall arrange with foreign nations for the exchange of information relating to aquaculture and shall support a translation service.

"(D) SUPPORT.—The Center shall provide direct support to the coordinating group.

"(c) NATIONAL AQUACULTURE DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Commercialization, and Promotion Act of 1993, the Secretary shall revise the National Aquaculture Development Plan required to be established under section 4.

"(2) COORDINATION.—The Secretary shall integrate and coordinate the aquaculture and related missions, major objectives, and program components of individual aquaculture plans of the coordinating group members.

"(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Commercialization, and Promotion Act of 1993, the Secretary shall submit a revised Plan to Congress.

"(4) UPDATES.—Not later than 5 years after the date of the submission of the revised Plan pursuant to paragraph (3), and annually thereafter, the Secretary shall revise the National Aquaculture Development Plan.

"(d) TREATMENT OF AQUACULTURE.—The Secretary shall, for all purposes, treat—

"(1) private aquaculture as a form of agriculture; and

"(2) aquaculture products produced by private persons and moving in standard commodity channels as agricultural commodities.

"(e) RESOLUTION OF INTERAGENCY CONFLICT.—In consultation with representatives of affected Federal agencies, the Secretary shall be responsible for resolving any interagency conflict in the coordination or implementation of the policy described in this section.

"(f) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

"(1) RESPONSIBILITY.—The Secretary shall have overall responsibility for coordinating, developing, and carrying out policies and programs for private aquaculture.

"(2) DUTIES.—The Director of the Office of Aquaculture of the Department shall—

"(A) represent the Secretary in all interdepartmental functions and activities relating to private aquaculture;

"(B) coordinate all intradepartmental functions and activities relating to private aquaculture;

"(C) establish formal structures and procedures for the coordination of functions, and consultation, with the coordinating group;

"(D) recommend to the National Agricultural Library methods by which the aquaculture resources of the Library can be made more easily retrievable and can be more widely disseminated; and

"(E) report directly to the Secretary in carrying out the duties of the Director.

"(3) LIAISON WITH THE OFFICE.—

"(A) AGENCIES OF THE DEPARTMENT.—To facilitate communication and interaction between the aquaculture community and the Department, the head of each agency of the Department shall designate an officer or employee of the agency to be the liaison of the agency with the Office of Aquaculture of the Department.

"(B) DEPARTMENTS OF COMMERCE AND INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall each designate an officer or employee of their respective Departments to be the liaison of their respective Departments with the Office of Aquaculture of the Department.".

SEC. 9. POLLUTION ASSESSMENT.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 8 (as added by section 8) the following new section:

"SEC. 9. POLLUTION ASSESSMENT.

"(a) ASSESSMENT.—The Administrator of the Environmental Protection Agency is authorized to carry out, in consultation with the Secretary, collaborative interagency programs that demonstrate the application of aquaculture to environmental enhancement and assessment, including a program to assess the impact of pollution on aquatic organisms and ecosystems using aquaculture-raised fish to serve as an indicator of environmental pollution.

"(b) GRANTS; COOPERATIVE AGREEMENTS.—The Administrator may provide grants or enter into cooperative agreements or contracts with private research organizations for research and demonstration of the technology authorized by this section.".

SEC. 10. NATIVE AMERICAN FISHPOND REVITALIZATION.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 9 (as added by section 9) the following new section:

"SEC. 10. NATIVE AMERICAN FISHPOND REVITALIZATION.

"(a) DEFINITION OF NATIVE AMERICAN.—As used in this section, the term 'Native American' means—

"(1) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));

"(2) a Native Hawaiian, as defined in section 8(3) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11707(3)) or section 815(3) of the Native American Programs Act (42 U.S.C. 2992c(3));

"(3) an Alaska Native, within the meaning provided for the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

"(4) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.)

"(b) AUTHORIZATION OF PROGRAM.—The Secretary of Agriculture is authorized to carry out a program to revitalize fishponds used by Native Americans to cultivate aquatic species.

"(c) GRANTS; COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements with individuals and organizations, including Native American organizations, to promote fishpond revitalization. Funds provided under this section may be used to engage in fishpond research, pond culture technology development, the application of traditional pond culture techniques and modern aquaculture practices to ancient fishponds, technical assistance and technology transfer, and such other activities as the Secretary determines are appropriate.".

SEC. 11. DISASTER ASSISTANCE FOR AQUACULTURE FARMS.

(a) IN GENERAL.—The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 10 (as added by section 10) the following new section:

"SEC. 11. DISASTER ASSISTANCE FOR AQUACULTURE FARMS.

"(a) DEFINITIONS.—As used in this section:

"(1) DAMAGING WEATHER.—The term 'damaging weather' includes drought, hail, excessive moisture, flooding, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof.

"(2) ELIGIBLE AQUACULTURE FARMER.—The term 'eligible aquaculture farmer' means a person who produces aquaculture crops for commercial purposes and devotes 100 acres or less to aquaculture cultivation.

"(3) RELATED CONDITION.—The term 'related condition' includes insect infestations, plant diseases, or other deterioration of a crop of an aquatic species, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

"(b) ELIGIBILITY.—

"(1) LOSS.—Subject to the limitation in paragraph (2), the Secretary shall provide assistance, as specified in subsection (c), to eligible aquaculture farmers who suffered losses (including losses due to mortality, crop destruction, or unmarketability) of an aquatic crop as a result of damaging weather or related condition.

"(2) LIMITATION.—An eligible aquaculture farmer shall qualify for assistance under paragraph (1) only if the loss, as a result of damaging weather or related condition, exceeds 35 percent of the aquaculture yield, as determined under subsection (d), for the aquaculture crop.

"(c) ASSISTANCE.

"(1) PAYMENT RATE.—The Secretary shall make payments to eligible aquaculture farmers at a rate equal to 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any losses.

"(2) PAYMENT LEVEL.—For the purposes of paragraph (1), the payment level for an aquaculture crop shall equal the simple average price received by producers of the commodity as determined by the Secretary.

"(3) CROP-BY-CROP BASIS.—The Secretary shall make disaster payments under this section on a crop-by-crop basis for each type of aquatic species produced.

"(d) YIELDS.—

"(1) PROVEN YIELDS AVAILABLE.—If an eligible aquaculture farmer can provide satisfactory evidence to the Secretary of actual aquaculture crop yields on the farm for at least 1 of the immediately preceding 3 years, the aquaculture yield for the farm shall be based on proven yield.

"(2) PROVEN YIELDS NOT AVAILABLE.—If the data referred to in paragraph (1) do not exist for any of the 3 preceding years, the Secretary shall establish a yield for the farm by using the historical average yield of all producers of the aquaculture crop.

"(3) BEST AVAILABLE DATA.—In establishing historic average yields where proven yields are not available, the Secretary shall use the best available information concerning yields. The information may include Extension Service records, credible nongovernmental studies, and yields at similar aquaculture farms.

"(e) REGULATIONS.—The Secretary shall issue regulations—

"(1) defining the term 'person' for the purposes of this section, which shall conform, to the extent practicable, to the regulations issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

"(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of this section.".

(b) REPORT ON CROP INSURANCE PROGRAM FOR AQUACULTURE FARMING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall report to the appropriate committees of Congress on the feasibility of establishing a crop insurance program for aquaculture farming.

SEC. 12. AQUACULTURE EDUCATION.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 11 (as added by section 11) the following new section:

"SEC. 12. AQUACULTURE EDUCATION.

"(a) DEFINITIONS.—As used in this section:

"(1) POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'postsecondary vocational institution' has the same meaning given the term by section 481(c) of the Higher Education Act of 1965 (20 U.S.C. 1088(c)), except that the term only includes an institution that awards an associates degree but does not award a bachelor's degree.

"(2) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given the term by section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(b) AUTHORIZATION OF PROGRAM.—The Secretary is authorized to establish a program to expand and improve instruction, on aquaculture and the basic principles of aquaculture farming, in the agriculture curriculum for students attending secondary schools and postsecondary vocational institutions.

"(c) GRANTS AND CURRICULUM.—In carrying out subsection (b), the Secretary may—

"(1) make grants to—

"(A) establish and maintain aquaculture learning centers in secondary schools and postsecondary vocational institutions;

"(B) promote aquaculture technology transfer; and

"(C) educate consumers and the public concerning the benefits of aquaculture; and

"(2) develop curriculum and supporting materials on aquaculture farming, field test the content of the curriculum, and supply training to educators at secondary schools and postsecondary vocational institutions on the aquaculture curriculum and materials developed.

"(d) PRIORITY FOR GRANTS.—In awarding grants under subsection (c)(1), the Secretary shall give priority to—

"(1) the ability of the proposed aquaculture learning center to gain access to—

"(A) a commercial aquaculture farm;

"(B) a regional aquaculture center established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d));

"(C) an aquaculture research facility; or

"(D) a similar venture that would afford students the opportunity to experience aquaculture research and development or commercialization;

"(2) the ability of the center to achieve outreach to minority audiences or students in inner-city schools;

"(3) the ability of the center to foster awareness of aquaculture among consumers and the general public;

"(4) the ability of the center to serve as an aquaculture education facility for visiting students participating in a field trip or a similar educational experience for inservice training; and

"(5) the level of assistance to be provided from non-Federal sources.

"(e) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grantee may not receive a grant under this section for more than 5 fiscal years.

"(2) WAIVER.—In the case of grantees that receive grants under this section for fiscal year 1995, the Secretary may waive the application of paragraph (1) to the grantees for the fiscal year if the Secretary determines that the application of paragraph (1) to the grantees would result in the termination of an excessive number of grants.".

SEC. 13. INTERNATIONAL AQUACULTURE SCIENTIFIC EXCHANGE.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 12 (as added by section 12) the following new section:

"SEC. 13. INTERNATIONAL AQUACULTURE SCIENTIFIC EXCHANGE.

"(a) DEFINITION OF ELIGIBLE ENTITY.—As used in this section, the term 'eligible entity' means a regional aquaculture center, college, university, or nonprofit organization engaged in aquaculture research and education in the United States or a foreign country.

"(b) GRANTS.—The Secretary may make grants to eligible entities to defray the cost, in whole or in part, of allowing aquaculture researchers and aquaculture technologists to engage in research, education, and demonstration at the eligible entities for periods of up to 2 years.

"(c) FUNDING.—The Secretary may use proceeds from the payments referred to in section 104(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(a)) to carry out this section.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 17 (as redesignated by section 7(1)) is amended to read as follows: "There are authorized to be appropriated to carry out this Act to the Department $3,000,000 for each of fiscal years 1994 through 2000 (of which not less than $500,000 shall be used for each fiscal year to carry out the Joint Subcommittee on Aquaculture established under section 6(a)), to the Department of Commerce $1,000,000 for each of fiscal years 1994 through 2000, and to the Department of the Interior $1,000,000 for each of fiscal years 1994 through 2000.".

SEC. 15. ELIGIBILITY OF AQUACULTURE FARMERS FOR FARM CREDIT ASSISTANCE.

Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended by striking "fish farming" both places it appears in paragraphs (1) and (2) and inserting "aquaculture (as the term is defined in section 3(1) of the National Aquaculture Act of 1980 (16 U.S.C. 2802(1)))".

SEC. 16. INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.

Section 502 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692) is amended by adding at the end the following new subsection:

"(d) INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.—

"(1) IN GENERAL.—The Administrator of the Foreign Agricultural Service shall establish and carry out a program of data collection, analysis, and dissemination of information to provide continuing and timely economic information concerning international aquaculture production.

"(2) CONSULTATION.—In carrying out paragraph (1), the Administrator shall consult with the Joint Subcommittee on Aquaculture established under section 6(a) of the

National Aquaculture Act of 1980 (16 U.S.C. 2805(a)), and representatives of the United States aquaculture industry, concerning means of effectively providing data described in paragraph (1) to the Joint Subcommittee and the industry.".

SEC. 17. ELIGIBILITY OF AQUACULTURE FARMS FOR EMERGENCY CONSERVATION PROGRAM.

Section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) is amended—

(1) by inserting "or aquaculture farms" after "farmlands" both places it appears; and

(2) by inserting "or aquaculture farm" after "land" each place it appears.

SEC. 18. AQUACULTURE INFORMATION NETWORK REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the feasibility and benefits of expanding current information systems at regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), universities, research institutions, and the National Agricultural Library to permit an on-line link between those entities for the sharing of data, publication, and technical assistance information involving aquaculture.

SEC. 19. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the progress made in carrying out this Act and the amendments made by this Act.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of all programs and activities of the Department of Agriculture and all other agencies and Departments in support of private aquaculture;

(2) the specific authorities for the activities described in paragraph (1); and

(3) recommendations for such actions as the Secretary of Agriculture determines are necessary to improve recognition and support of private aquaculture in each agency of the Department of Agriculture.

Mr. GORTON. Mr. President, aquaculture has the potential to become a major growth industry for the United States, especially in the State of Washington. I am proud to say that the Washington aquaculture industry is one of the top three producers in the Nation. Washington is also ranked first in the Nation for production of trout eggs. Troutlodge, Inc., a privately owned company based in Sumner, WA, provides 250 to 300 million trout eggs to 25 foreign countries around the world.

However, I feel it is important to share some important but unsettling statistics. Aquaculture currently accounts for less than 9 percent of America's seafood production compared to the world average of 16 percent. Since the 1960's Americans have increased consumption of aquatic foods by 49 percent and consumer demand is projected to double by 2020. Unfortunately, since 1980, this expanded consumption has increased the U.S. trade deficit in edible fishery food products by 48 percent.

The question arises—Why hasn't the United States aquaculture industry grown to meet this consumer demand? The U.S. aquaculture industry has not grown to its potential because of inconsistent interpretations between Federal agencies, lack of supportive Government policies, and limited numbers of research and development programs.

Therefore, I am pleased to join my fellow Senators in cosponsoring the National Aquaculture Development, Commercialization and Promotion Act. There are many objectives in introducing this legislation, but most importantly, to reduce the current $4.9 billion trade deficit in aquaculture products. Doing so will require that we combine jurisdiction under one agency which will help to eliminate inconsistent interpretations between Federal agencies.

Currently, aquaculture falls under the jurisdiction of three separate Government agencies. This bill would establish the Department of Agriculture as the lead Federal agency for development, implementation, promotion, and coordination of a national policy and programs for private aquaculture.

Research and development funds would be directed to five existing regional aquaculture centers located around the country. Priority will be given to applied research, field testing that promotes technology transfer to the marketplace, and activities with strong potential to create employment opportunities.

This legislation also designates the Secretary of Agriculture as the permanent chairperson of a Federal interagency aquaculture coordinating group. I, and many leaders within the aquaculture industry, believe that the leadership of Secretary Mike Espy will send a strong message regarding the importance and potential of aquaculture to the United States and to the world. Under Secretary Espy's guidance, USDA will improve standards and regulations and eliminate inconsistent interpretation between our Federal agencies.

One only needs to look at the statistics to envision the enormous potential for growth in the aquaculture industry. This industry is poised to grow, to provide jobs in rural America and to bring economic benefit to our country. I believe that this legislation will ensure that America's aquaculture industry achieves its market potential in the decades ahead.

By Mr. HELMS:

S. 1289. A bill to suspend temporarily the duty on certain textile spinning machines; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. HELMS. Mr. President, I am today introducing a bill to suspend the duty on spinning machines and parts, used by du Pont de Nemours and Co., Du Pont, to manufacture partially oriented polyester fibers called Darcon, which are used in clothes and home furnishings.

Du Pont employs more than 1,700 employees at facilities in Kinston, NC. Unfortunately, none of these spinning machines is manufactured in the United States.•

By Mr. HELMS:

S. 1290. A bill to suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms); to the Committee on Finance.

SALMETEROL XINAFOATE DUTY SUSPENSION ACT

• Mr. HELMS. Mr. President, I am today introducing a bill to suspend the duty for salmeterol xinafoate. This product is manufactured by Glaxo, which has several facilities in North Carolina.

The product will likely be approved by the FDA very soon and it will be marketed under the name Severent. It will be used for the treatment of asthma.•

By Mr. HELMS:

S. 1291. A bill to suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms); to the Committee on Finance.

S. 1292. A bill to suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1293. A bill to suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1294. A bill to suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms); to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. HELMS. Mr. President, I am today introducing four bills to suspend until December 31, 1995, the duty on four products manufactured by Glaxo. These products are imported into North Carolina in bulk form and manufactured, packaged and/or labeled at the Glaxo facilities. Glaxo has several facilities in North Carolina which employ 3,800 people.

There is no U.S. production of these products. The products are:

Ranitidine hydrochloride.—Marketed under the tradename Zantac; it is used for the treatment of ulcers.

Ondansetron.—Marketed as Zofran, it is used for the prevention of nausea and vomiting associated with cancer chemotherapy treatment.

Cefuroxime axetil.—Marketed as Ceftin, it is a semisynthetic broad-spectrum cephalosporin for oral administration that is used for upper and lower respiratory infection, urinary tract, and skin infections.

Sumatriptan succinate.—Marketed as Imitrex Injection, it is a serotonin agonist which is used for the treatment of migraine.•

By Mr. PELL (by request):

S. 1296. An act for reform in emerging new democracies and support and help

for improved partnership with Russia, Ukraine and other new Independent States; to the Committee on Foreign Relations.

EMERGING NEW DEMOCRACIES LEGISLATION

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference an act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the section-by-section analysis and the letter from the Acting Secretary of State, which was received on July 16, 1993.

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

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act may be cited as the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States" or the "FRIENDSHIP with Russia, Ukraine and Other New Independent States Act".

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND RUSSIA, UKRAINE AND THE OTHER INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 101. FINDINGS.

The Congress finds that—

(1) the Vancouver Declaration issued by President Clinton and President Yeltsin marked a new milestone in the development of the spirit of cooperation and partnership between the United States and Russia, and the Congress affirms its support for the principles contained therein;

(2) the Vancouver Declaration underscored—

(A) that a dynamic and effective partnership between the United States and Russia is vital to the success of Russia's historic transformation;

(B) that the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States;

(C) that cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems, such as environmental pollution, terrorism, and narcotics trafficking;

(3) the Congress passed the FREEDOM Support Act, as well as other legislation including the Soviet Nuclear Threat Reduction Act of 1991 and the Former Soviet Union Demilitarization Act of 1992, to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union;

(4) the process of reform in Russia, Ukraine and the other independent states of the former Soviet Union is ongoing, and the holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process;

(5) in support of this process, it is important that reformers and democrats in the independent states of the former Soviet Union recognize the resolve of the people of the United States to do business with these states in a new spirit of friendship and cooperation, and the support of the people of the United States for continued democratic and economic reform; and

(6) there remain in force many statutory provisions that are relics of the Cold War, and repeals or revisions of these provisions can play an important role in fostering and strengthening the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

SEC. 102. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

(b) EXTENT OF SUCH PROVISIONS.—(1) Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed at that time between the United States and the Soviet Union. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed, or may be construed as having been directed, against the Soviet Union on the basis of the relations that existed at that time between the United States and the Soviet Union, particularly in its role as the leading communist country.

(2) The provisions referred to in paragraph (1) include, in addition to those revised or eliminated by this Act—

(A) the Joint Resolution providing for the designation of the third week of July as "Captive Nations Week" (Public Law 86–90);

(B) the Communist Control Act of 1954 (Public Law 83–637);

(C) provisions in the Immigration and Nationality Act (Public Law 82–414), including sections 101(a)(4), 101(e)(3) and 313(a)(3);

(D) section 2 of the Joint Resolution to promote peace and stability in the Middle East (Public Law 85–7);

(E) section 43 of the Bretton Woods Agreement Act (Public Law 79–171); and

(F) section 804 of the Foreign Relations Authorization Act, Fiscal Year 1986 and 1987 (Public Law 99–93).

(c) FINDING AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section should not be construed as being directed against Russia, Ukraine or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and these states, or signifying or implying in any manner unfriendliness toward such states.

TITLE II—TRADING AND BUSINESS RELATIONS

SEC. 201. ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (Public Law 93–618) is amended by striking out "Union of Soviet Socialist Republics".

SEC. 202. POLICY UNDER EXPORT ADMINISTRATION ACT.

The Export Administration Act of 1979 (Public Law 96–72) is amended—

(a) in section 2, by striking paragraph (11), and by renumbering paragraphs (12) and (13) as paragraphs (11) and (12), respectively; and

(b) by deleting section 3(15).

SEC. 203. PROHIBITIONS AND RESTRICTIONS ON IMPORTATIONS OF STRATEGIC AND CRITICAL MATERIALS INTO THE UNITED STATES.

Section 13 of the Strategic and Critical Materials Stock Piling Act (Public Law 76–117) is amended—

(a) by striking "The President" and inserting in lieu thereof "(a) Except as provided in subsection (b), the President";

(b) by inserting the following at the end thereof:

"(b) A country of Eastern Europe or the independent states of the former Soviet Union shall not be considered a Communist-dominated country or area for purposes of this section if the President determines that application of subsection (a) with respect to that country should be waived."

SEC. 204. REPRESENTATION OF COUNTRIES OF EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION IN LEGAL COMMERCIAL TRANSACTIONS.

Section 951(e) of title 18, United States Code, is amended by striking "the Soviet Union" and all that follows through "or Cuba" and inserting in lieu thereof "Cuba, or any other country that the President has determined and reported to Congress poses a threat to the national security interests of the United States for purposes of this section".

SEC. 205. PROCEDURES REGARDING TRANSFERS OF CERTAIN DEPARTMENT OF DEFENSE-FUNDED ITEMS.

(a) Section 709(d) of the Department of Defense Appropriations Authorization Act, 1975 (Public Law 93–365) is amended by striking "the Soviet Union" and all that follows through "countries as may be" and inserting in lieu thereof "any country so".

(b) Section 223 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is repealed.

SEC. 206. LEND LEASE.

The President may waive the application of the second sentence of section 404(b) of the Trade Act of 1974 (Public Law 93–618) to any of the independent states of the former Soviet Union for such period of time as he determines to be appropriate.

SEC. 207. SOVIET SLAVE LABOR.

Section 1906 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418) is repealed.

SEC. 208. MULTILATERAL EXPORT CONTROLS ENHANCEMENT AMENDMENTS ACT.

Section 2442 of the Multilateral Export Control Enhancement Amendments Act (Public Law 100–418) is amended—

(a) by deleting paragraph (1); and

(b) be redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

TITLE III—CULTURAL, EDUCATIONAL AND EXCHANGE PROGRAMS

SEC. 301. MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Educational and Cultural Exchange Act of 1961, as amended (Public Law 87-256), is further amended—

(a) in section 112(a)(8), by striking "Soviet Union" both times it occurs, and in each case inserting in lieu thereof "independent states of the former Soviet Union"; and

(b) in section 113 by—

(1) amending the section heading to read "Exchanges Between the United States and the Independent States of the Former Soviet Union.";

(2) striking the phrase "an agreement with the Union of Soviet Socialist Republics" and inserting in lieu thereof "agreements with the independent states of the former Soviet Union";

(3) striking the phrase "made by the Soviet Union" and inserting in lieu thereof "made by such states";

(4) striking the phrase "the United States and the Soviet Union" and inserting in lieu thereof "the United States and those states"; and

(5) striking the phrase "Soviet citizens" and inserting in lieu thereof "citizens of such states".

SEC. 302. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

The Soviet-Eastern European Research and Training of 1983 (Title VIII of Public Law 98-164) is amended—

(a) in section 801, by striking "'Soviet-Eastern European Research and Training" and inserting in lieu thereof "'Research and Training for Eastern Europe and the Independent States of the Former Soviet Union";

(b) in sections 803 and 804(a), by striking "Soviet-Eastern European Studies Advisory Committee" and in each case inserting in lieu thereof "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union";

(c) in subsections (1), (2) and (3)(E) of section 802, by striking the phrase "Soviet Union and Eastern European countries" and in each case inserting in lieu thereof "the countries of Eastern Europe and the independent states of the former Soviet Union";

(d) in section 804(d), by striking the phrase "Soviet and Eastern European countries" and inserting in lieu thereof "the countries of Eastern Europe and the independent states of the former Soviet Union"

(e) in section 805(b)—

(1) in paragraphs (2)(A), (2)(B) and (6), by striking the phrase, "Soviet and Eastern European studies" and in each case inserting in lieu thereof "studies on the countries of Eastern Europe and the independent states of the former Soviet Union";

(2) in subparagraphs (A) and (B) of paragraph (3), by striking the phrase "the fields of Soviet and Eastern European studies" and in each case inserting in lieu thereof "the countries of Eastern Europe and the independent states of the former Soviet Union";

(3) in paragraph (3)(A) by striking the phrase "the Soviet Union and Eastern European countries" and inserting in lieu thereof "those countries";

(4) in paragraph (4), by striking "Union of Soviet Socialist Republics" the first time it appears and inserting in lieu thereof "independent states of the former Soviet Union"; and by striking the phrase "the Union of Soviet Socialist Republics and Eastern European countries" and inserting in lieu thereof "those countries"; and

(5) in paragraph (5), by striking everything in the first sentence following "support" and inserting in lieu thereof "training in the languages of the independent states of the former Soviet Union and the countries of Eastern Europe."; and in the last sentence by inserting immediately before the period "and, as appropriate, studies of other languages of the independent states of the former Soviet Union"; and

(e) by redesignating the title heading to read "Title VIII Research and Training for Eastern Europe and the Independent States of the Former Soviet Union".

SEC. 303. FASCELL FELLOWSHIP ACT.

The Fascell Fellowship Act (Title X of Public Law 99-399) is amended in the section heading for section 1002 by striking "Soviet Union and Eastern Europe" and inserting in lieu thereof "Countries of Eastern Europe and the Independent States of the Former Soviet Union".

SEC. 304. BOARD FOR INTERNATIONAL BROADCASTING.

(a) The Board for International Broadcasting Act of 1973 (Public Law 93-129) is amended—

(1) in paragraphs (3) and (5) of section 2, by striking the phrase "Union of Soviet Socialist Republics" and in each case inserting in lieu thereof "independent states of the former Soviet Union"; and

(2) in section 6, by striking the phrase "Soviet Union" and inserting in lieu thereof "independent states of the former Soviet Union".

(b) Sections 307 and 308 of the Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985 (Title III of Public Law 98-164) are repealed.

SEC. 305. SCHOLARSHIP PROGRAMS FOR DEVELOPING COUNTRIES.

Section 601 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 89-93) is amended by—

(a) deleting subsections (6) and (7); and

(b) redesignating subsections (8), (9) and (10) as subsections (6), (7) and (8), respectively.

SEC. 306. ELIMINATION OF REPORT ON SOVIET PARTICIPANTS IN EXCHANGE PROGRAMS THAT JEOPARDIZE NATIONAL SECURITY INTERESTS.

Section 126 of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) is repealed.

TITLE IV—ARMS CONTROL

SEC. 401. ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (Public Law 87-297) is amended—

(a) in section 38, by striking "United States-Union of Soviet Socialist Republics";

(b) in section 51, by—

(1) striking "Soviet foreign and military policies" and inserting in lieu thereof "the foreign and military policies of the independent states of the former Soviet Union";

(2) striking everything following "affairs," and inserting in lieu thereof "who also demonstrate fluency in the Russian language or another language of the independent states of the former Soviet Union."; and

(3) amending the title of the section to read "Specialists Fluent in Russian or Other Languages of the Independent States of the Former Soviet Union";

(c) in section 52—

(1) by striking "the Soviet Union" each time it occurs, and in each case inserting in lieu thereof "Russia"; and

(2) by striking "Soviet adherence" and inserting in lieu thereof "Russian adherence"; and

(d) in section 61(4)—

(1) in subparagraph (A), by striking "the Soviet Union" and inserting in lieu thereof "Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan";

(2) in subparagraphs (B) and (D), by striking "Soviet" each time it occurs; and

(3) in subparagraph (C), by striking "the Soviet Union" and inserting in lieu thereof "Russia".

SEC. 402. PROVISIONS IN ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (Public Law 90-629) is amended—

(a) in section 94(b)(3)(B) and section 95(5), by striking "Warsaw Pact country" and in each case inserting in lieu thereof "country of the Eastern Group of States Parties"; and

(b) by replacing the period at the end of section 95 and inserting in lieu thereof "or a successor state to such a country.".

SEC. 403. REPORTS.

(a) Section 1002 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is repealed.

(b) Section 906 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456) is repealed.

SEC. 404. JOINT RESOLUTION ON U.S./SOVIET DIRECT COMMUNICATION LINK.

The Joint Resolution Authorizing the Secretary of Defense to provide to the Soviet Union, on a non-reimbursable basis, equipment and services necessary for an improved United States/Soviet Direct Communication Link for crisis control (Public Law 99-85) is amended—

(a) in the first unnumbered section—

(1) by striking "provide to the Soviet Union" and inserting in lieu thereof "provide to Russia";

(2) by striking "maintain the Soviet Union part" and inserting in lieu thereof "maintain the Russian part"; and

(3) by striking "service to the Soviet Union" and inserting in lieu thereof "services to Russia"; and

(b) in section 2(b), by inserting "or Russia" after "the Soviet Union".

TITLE V—PROVISIONS RELATED TO DIPLOMATIC RELATIONS

SEC. 501. TRAVEL RESTRICTIONS.

Section 216 of the State Department Basic Authorities Act of 1956 (Public Law 84-885) is amended—

(a) in subsection (a), by striking everything following the word "apply" and inserting in lieu thereof "appropriate restrictions to the travel while in the United States of the individuals described in subsection (b)."; and

(b) in subsection (e), by striking paragraph (1); and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 502. PERSONNEL LEVELS AND LIMITATIONS.

(a) Section 602 of the Intelligence Authorization Act for Fiscal Year 1990 (Public Law 101-193) is repealed.

(b) Section 154 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is repealed.

(c) Section 501 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178) is repealed.

(d) Section 702 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569) is repealed.

(e) Section 136 and 813 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) are repealed.

SEC. 503. OTHER PROVISIONS RELATED TO OPERATION OF EMBASSIES AND CONSULATES.

(a) The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138) is amended—

(1) in section 132, by striking subsections (a) through (d) and subsections (h) through (j); and

(2) by deleting section 133.

(b) Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is repealed.

(c) Section 1232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456) is repealed.

(d) Section 151 through 153 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) are repealed.

(e) Section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) is repealed.

(f) Section 901 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178) is repealed.

(g) Section 1364 of the National Defense Authorization Act, Fiscal Year 1987 (Public Law 99-661) is amended—

(1) by striking subsections (a) and (c); and

(2) by striking "(b)".

SEC. 504. FOREIGN SERVICE BUILDING ACT.

Section 4(j) of the Foreign Service Buildings Act, 1926 (Public Law 69-186) is repealed.

TITLE VI—PROVISONS RELATED TO OCEANS AND ENVIRONMENT

SEC. 601. ARCTIC RESEARCH AND POLICY ACT.

Section 102(a) of the Arctic Research and Policy Act of 1984 (Title I of Public Law 98-373) is amended—

(a) in paragraph (2), by striking "as" and all that follows through the comma; and

(b) in parargraph (10), by striking ", particularly the Soviet Union,".

SEC. 602. FUR SEAL MANAGEMENT.

Section 102 of the Fur Seal Act of 1966 (Public Law 89-702) is amended by striking "the Union of Soviet Socialist Republics" and inserting in lieu thereof "Russia".

SEC. 603. GLOBAL CLIMATE PROTECTION

Section 1106 of the Global Climate Protection Act of 1987 (Title XI of Public Law 100-204) is amended by—

(a) striking "Soviet Union" and inserting in lieu thereof "independent states of the former Soviet Union";

(b) striking "their joint role as the world's two major" and inserting in lieu thereof "the extent to which they are"; and

(c) striking "United States-Soviet relations" and inserting in lieu thereof "United States relations with these countries".

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

SEC. 701. UNITED NATIONS ASSESSMENTS.

Section 717 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113) is amended—

(a) in subsection (a) by—

(1) in paragraph (2), inserting "and" after the semicolon; and

(2) striking the semicolon in paragraph (3) and all that follows through "operations of the United Nations" in paragraph (4); and

(b) in subsection (b), by striking "undertake" and all that follows through "including its", and inserting in lieu thereof "appropriate diplomatic initiatives to ensure that members make payments of all their outstanding financial obligations to the United Nations, including their".

SEC. 702. AFGHANISTAN.

Section 1241 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is repealed.

SEC. 703. ANGOLA.

(a) Section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is repealed.

(b) Section 405 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) is repealed.

SEC. 704 INDEPENDENCE OF ESTONIA, LATVIA AND LITHUANIA.

(a) Paragraph (1) of section 1206 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended to read as follows:

"(1) the continuing desire and right of the people of the Baltic States of Estonia, Lativa, and Lithuania for freedom and independence should be recognized; and".

(b) The Joint Resolution Designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day" (Public Law 102-17) is amended by striking the preamble.

SEC. 705. OBSOLETE REFERENCES IN FOREIGN ASSISTANCE ACT.

The Foreign Assistance Act of 1961, as amended (Public Law 87-197), is further amended—

(a) in section 501 by—

(1) striking the phrase "international communism and the countries it controls" and inserting in lieu thereof "hostile countries";

(2) striking the phrase "defeat Communist or Communist-supported aggression" and inserting in lieu thereof "defeat aggression"; and

(3) in the fifth paragraph, striking everything following "victims of" and inserting in lieu thereof "aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.";

(b) in section 614, by striking the phrase "active Communist or Communist-supported aggression" and inserting in lieu thereof "active aggression"; and

(c) by deleting section 620(h).

SEC. 706. SENSE OF CONGRESS ON REVIEW OF POLICY TOWARD USSR.

Section 24 of the International Security Assistance Act of 1978 (Public Law 95-384) is repealed.

TITLE VIII—INTERNAL SECURITY PROVISIONS; SOVIET CONSPIRACY TO ESTABLISH WORLDWIDE COMMUNIST DICTATORSHIP

SEC. 801. CIVIL DEFENSE.

Section 501(b)(2) of the Federal Civil Defense Act of 1950 (Public law 81-920) is amended by striking the first comma and all that follows through "balance".

SEC. 802. REPORT ON SOVIET PRESS MANIPULATION IN THE UNITED STATES.

Section 147 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) is repealed.

SEC. 803. SUBVERSIVE ACTIVITIES CONTROL ACT.

The Subversive Activities Control Act of 1950 (Title I of Public Law 81-831) is amended—

(a) by deleting sections 1 through 3, 5, 6, and 9 through 16;

(b) in section 4, by—

(1) striking subsections (a) and (f);

(2) redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(3) in the subsection redesignated as subsection (a), striking "or an officer" and all that follows through "section 3 of this title"; and

(4) in the subsection redesignated as subsection (b), striking ", or any officer" and all that follows through "section 3 of this title,".

TITLE IX—MISCELLANEOUS

SEC. 901. FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989.

Sections 1201 through 1204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) are repealed.

SEC. 902. FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987.

Sections 148 and 805 of the Foreign Relations Authorization Act, Fiscal years 1986 and 1987 (Public Law 99-93) are repealed.

DEPARTMENT OF STATE,
Washington, DC, July 9, 1993.

Hon. AL GORE,
President of the Senate.

DEAR MR. PRESIDENT: On behalf of President Clinton, I am pleased to transmit the enclosed Act for Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States—the "FRIENDSHIP with Russia, Ukraine and Other New Independent States Act." I am also enclosing a section-by-section analysis of the proposed legislation.

Submission of the bill follows a broad review of Cold War legislation ordered by the President on April 23 and reflects our consultations with Congress. The Administration welcomes the broad bipartisan support for the efforts to develop this legislation as expressed by the leaders in both Houses of Congress, and looks forward to similar support in consideration and passage of the bill during this session of Congress.

The bill represents a substantial step forward in the development of friendly and cooperative relations with Russia, Ukraine and the other independent states of the former Soviet Union. In eliminating or revising over seventy statutory provisions, it would go well beyond the substantial steps that Congress has previously taken in the FREEDOM Support Act and elsewhere. It would, for example, remove special requirements for registration of commercial representatives of the Soviet Union; special review procedures for exports of products developed in certain Department of Defense programs; ineligibility for benefits under the Generalized System of Preferences (GSP); provisions linking most-favored-nation trade status to lend lease arrearages; and provisions directed against the presence of Soviet diplomats or other nationals in the United States.

Perhaps as important, the bill proposes the elimination or revision of extensive Cold War languages that has political importance beyond the elimination of specific prohibitions and restrictions. In this way the legislation will demonstrate the resolve of the American people to build new relationships with Russia, Ukraine and the other independent states based on a spirit of friendship and partnership.

At the same time we are submitting this legislation, the Administration is continuing other efforts of interest to President Yeltsin and the other leaders of the independent states. Thus, we are actively engaged in discussions with our allies on how best to reorient the export control regime under the Coordinating Committee on Multilateral Export Controls (COCOM) in light of the new relationship with these states. Because the COCOM regime is multilateral, reform in this area must focus on diplomatic rather than legislative efforts, but we will remain in close contact with the Congress as negotiations with our COCOM partners evolve.

We are also engaged in discussions with the Russian Government on issues related to

the Jackson-Vanik Amendment. The President has expressed his concerns about continuing restrictions on individuals wishing to emigrate from Russia. We have asked the Russians to explain how they intend to handle refusenik cases in the future, and requested that they resolve all current cases. President Yeltsin has assured President Clinton that he would look into outstanding refusenik cases and we are awaiting a full response from the Russian Government. We will continue to work intensively with the Russian Government, but a final decision on action related to Jackson-Vanik will depend on progress on these and related issues. The Administration will work closely with Congress as we move forward.

We are at a critical juncture in the development of relations with the independent states that will profoundly affect the welfare of our country for decades to come. The proposed legislation represents an important step forward in strengthening those relations and thereby contributing significantly to a world in which the United States is safe and can prosper. I urge its prompt and favorable consideration.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation to Congress and that its enactment would be in accord with the President's program.

Sincerely,

CLIFTON R. WHARTON, JR.,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS

The Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States (the FRIENDSHIP with Russia, Ukraine and Other New Independent States Act) would revise or eliminate numerous statutory provisions that restrict or otherwise interfere with relations between the United States and the Russian Federation, Ukraine and the other independent states of the former Soviet Union.

Section 1—Short titles

This section entitles the bill the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and the Other New Independent States" or the "FRIENDSHIP with Russia, Ukraine and the Other New Independent States Act".

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND RUSSIA, UKRAINE AND THE OTHER INDEPENDENT STATES OF THE FORMER SOVIET UNION

Section 101—Findings

The section sets forth a series of findings regarding the new spirit of cooperation and partnership between the United States and the independent states of the former Soviet Union, and emphasizes the importance of our cooperation with these countries. The findings note that many Cold War statutes remain in force, and that repeals or revisions of these provisions can play an important role in fostering and strengthening the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and the new independent states.

Section 102—Statutory provisions that have been applicable to the Soviet Union

This section notes the fundamental changes that have taken place since the enactment of many of the statutes that still remain in force regarding the Soviet Union, some of which do not refer specifically to the Soviet Union. For a variety of reasons, several such statutes (the provisions listed in subsection (b)(2) are illustrative) would not be repealed or revised directly under this bill—*e.g.*, a provision regarding U.S. treatment of communist dictatorships may in some cases still have relevance with respect to other countries that continue to be dominated by communist dictatorships. Subsection (c) sets forth a congressional finding and affirmation that such provisions should not be construed as being directed against Russia, Ukraine or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and those states, or signifying or implying in any manner unfriendliness toward these countries.

TITLE II--TRADING AND BUSINESS RELATIONS

Section 201—Eligibility for generalized system of preferences

This section would repeal the provision that rendered the USSR ineligible for benefits under the Generalized System of Preferences (GSP).

Section 202—Policy under Export Administration Act

This section would repeal findings language contained in paragraph (11) of section 2 of the Export Administration Act, regarding acquisition by the Soviet Union of national security sensitive goods, while leaving intact language in the other paragraphs of section 2 that sets forth the importance of considering the contribution certain exports can have to the military potential of foreign countries; and paragraph (15) of section 3, which contains language stating that it is the policy of the United States to continue to object to exceptions to the International Control List for the USSR. At the same time that this legislation is being submitted, the United States is actively engaged in discussions with our allies on how best to re-orient the COCOM export control regime in light of the new relationship with these states. Because the COCOM regime is multilateral, reform in this area must focus on diplomatic rather than legislative efforts.

Section 203—Prohibitions and restrictions on importations of strategic and critical materials into the United States

This section authorizes exceptions for the countries of Eastern Europe or the independent states of the former Soviet Union to the restrictions contained in section 13 of the Strategic and Critical Materials Stock Piling Act.

Section 204—Representation of countries of Eastern Europe and the Independent States of the former Soviet Union in legal commercial transactions

Section 951 of title 18, United States Code, requires agents of foreign governments, acting in the United States, to notify the Attorney General of their agency relationship. Failure to do this is subject to a criminal penalty. The statute makes exceptions from this registration requirement for accredited diplomats and other officially acknowledged government representatives, and members of their staffs who are not United States citizens. It also makes exceptions for persons engaged in legal commercial transactions, but qualifies this exception by excluding from it representatives of the Soviet Union, the German Democratic Republic and Czechoslovakia, which no longer exist, as well as Hungary, Poland, Bulgaria, Rumania and Cuba, unless special exemption is authorized by the Attorney General. The amendment would eliminate the country-specific exceptions for all these countries except Cuba. Instead, the President would determine, in light of changing relationships, which countries pose threats to the national security interests of the United States that require application of the notification provisions of this statute to commercial representatives of foreign governments.

Section 205—Procedures regarding transfers of certain Department of Defense-funded items

Subsection (a) of this section would amend section 709(d) of the Department of Defense Appropriations Authorization Act, 1975, under which exports to controlled countries of goods, technology, and industrial techniques developed as a result of certain research and development programs are subject to special review procedures. The amendment would modify the definition of controlled countries to delete the reference to the Soviet Union and the countries of Eastern Europe, and replace it with a definition based on countries designated by the President.

Subsection (b) would repeal section 223 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, which prohibits the transfer of military technology developed with funds appropriated or otherwise made available for the Strategic Defense Initiative unless the President makes a determination regarding the transfer that Congress approves by joint resolution.

Section 206—Lend lease

This section authorizes the President to waive the application of the second sentence of section 404(b) of the Trade Act of 1974 (Public Law 93-618) to any of the independent states of the former Soviet Union for such period of time as he determines to be appropriate.

Section 207—Soviet slave labor

This section repeals section 1906 of the Omnibus Trade and Competitiveness Act of 1988, which contains a congressional statement that the President should express to Soviet Union moral opposition of the United States to the slave labor policies of the Soviet Union.

Section 208—Multilateral Export Controls Enhancement Amendments Act

This section eliminates findings language contained in section 2442(1) of the multilateral Export Control Enhancement Amendments Act.

TITLE III—CULTURAL, EDUCATIONAL AND EXCHANGE PROGRAMS

Section 301—Mutual Educational and Cultural Exchange Act of 1961

This section would amend the Mutual Educational and Cultural Exchange Act of 1961, as amended, to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 302—Soviet-Eastern European research and training

This section would amend the Soviet-Eastern European Research and Training of 1983 to redesignate the Soviet-Eastern European Studies Advisory Committee as the Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union, and making other changes that reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 303—Fascell Fellowship Act

This section would amend the title heading of section 1002 of the Fascel Fellowship Act

to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 304—Board for International Broadcasting

This section would amend the Board for International Broadcasting Act of 1973 (the "BIB Act") to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union. It would also repeal sections 307 and 308 of the Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985. The provisions of this section are without prejudice to the repeal of the BIB Act in the proposed United States International Broadcasting Act of 1993, which repeal would be effective no earlier than September 30, 1994.

Section 305—Scholarship programs for developing countries

This section would repeal subsections (6) and (7) of section 601 of the Foreign Authorization Act, Fiscal Years 1986 and 1987, which describe the risk that scholarship programs by Soviet-bloc governments entail in increasing the likelihood that potential future leaders of the developing world will be educated in Soviet-bloc countries.

Section 306—Elimination of report on Soviet participants in exchange programs that jeopardize national security interests

This section would repeal section 126 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, under which the Secretary of State is required to submit annually to Congress a list of Soviet nationals participating during the upcoming year in certain US–USSR exchanges, and to include a determination that these programs will not jeopardize United States national security interests.

TITLE IV—ARMS CONTROL

Section 401—Arms Control and Disarmament Act

This section would make several amendments to the Arms Control and Disarmament Act to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 402—Provisions in Arms Export Control Act

This section would amend the provisions of the Arms Export Control Act related to transfers of certain CFE Treaty-Limited Equipment to NATO members. The proposed amendments would replace references to the "Warsaw Pact countries" with references to the countries of the Eastern Group of States Parties to the CFE Treaty.

Section 403—Reports

This section would repeal the reporting requirements contained in section 1002 of the Department of Defense Authorization Act, 1986 and section 906 of the National Defense Authorization Act, Fiscal Year 1989.

Section 404—Joint resolution on United States/Soviet direct communication link

This section would amend Public Law 99–85 to reflect the fact that the direct communication link is now with Russia.

TITLE V—PROVISIONS RELATED TO DIPLOMATIC RELATIONS

Section 501—Travel restrictions

This section would amend section 216 of the State Department Basic Authorities Act of 1956, under which the Secretary of State is required to apply the same generally applicable restrictions to the travel while in the United States of personnel (and family members and dependents) of certain missions as are applied under Title II of the Act to the members of missions of the USSR. With the dissolution of the USSR, it is not possible to apply this section by its terms. The proposed amendment would make clear nevertheless that appropriate controls may be imposed.

Section 502—Personnel levels and limitations

This section would repeal a series of provisions that are related to personnel levels and limitations. The provisions that would be repealed are section 602 of the Intelligence Authorization Act for Fiscal Year 1990, section 154 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, section 501 of the Intelligence Authorization Act, Federal Year 1988, section 702 of the Intelligence Authorization Act for Fiscal Year 1987, and sections 136 and 813 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987. The proposed deletion of these Soviet-specific provisions, e.g., section 702, does not signify a departure from the general principle that there should be, as nearly as possible and absent unusual circumstances, parity in the numbers of diplomatic personnel between the United States and the countries with which it maintains diplomatic relations. With respect to section 136, the United States fully realizes that foreign nationals employed at diplomatic establishments abroad may pose security concerns. These concerns, however, should be addressed in the selection and placement of such nationals rather than by a general prohibition directed at particular countries.

Section 503—Other provisions related to operation of embassies and consulates

This section would repeal additional provisions related to the operation of Embassies and Consulates. The provisions that would be repealed are sections 132 and 133 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (except for section 132(e)), section 134 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, section 1232 of the National Defense Authorization Act, Fiscal Year 1989, sections 151 through 153 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, section 901 of the Intelligence Authorization Act, Fiscal Year 1988, and subsections (a) and (c) of section 1364 of the National Defense Authorization Act, Fiscal Year 1987.

Section 504—Foreign Service Buildings Act

This section would repeal section 4(j) of the Foreign Service Buildings Act, 1926.

TITLE VI—PROVISIONS RELATED TO OCEANS AND ENVIRONMENT

Section 601—Arctic Research and Policy Act

This section would amend the Arctic Research and Policy Act of 1984 to eliminate congressional findings language referring to the Soviet Union, including language that tied the importance of the Arctic to its critical role to national defense as the only common border with the Soviet Union.

Section 602—Fur seal management

This section would amend section 102 of the Fur Seal Act to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 603—Global climate protection

This section would amend section 1106 of the Global Climate Protection Act of 1987, which contains a congressional statement that, in light of the leadership roles of the United States and the Soviet Union in this area, the President should accord climate protection a high priority on the agenda of US–USSR relations. The amendment would change the reference to indicate that climate protection should be accorded a high priority on the United States agenda with each of the independent states of the former Soviet Union.

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

Section 701—U.N. assessments

This section would amend congressional findings language contained in section 717 of the International Security and Development Cooperation Act of 1981, which calls for the President to undertake a diplomatic initiative to obtain payment by the Soviet Union of all its outstanding financial obligations to the United Nations. Under the amendment, neither the Soviet Union nor its successor states would be singled out; instead, more general language would call for appropriate diplomatic initiatives to ensure that all members make payments of all their outstanding financial obligations to the United Nations.

Section 702—Afghanistan

This section would repeal language regarding Afghanistan and the Soviet role in that country contained in section 1241 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

Section 703—Angola

This section would repeal language regarding Angola and the Soviet role in that country contained in section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, and section 405 of the International Security Assistance and Arms Export Control Act of 1976.

Section 704—Independence of Estonia, Latvia and Lithuania

This section would amend two provisions dealing with the Baltics. First, it would delete preambular language contained in Public Law 102–17, which contains numerous obsolete references—*e.g.*, references indicating that the Soviet Union is not committed to the policies of Glasnost and Perestroika—and proceeds on the basis of the situation at the time that the Baltic countries remained forcefully incorporated in the Soviet Union. The amendment would leave in force the operational elements of the provision, under which the President was authorized and requested to issue proclamations calling upon the people of the United States to observe "Baltic Freedom Day." Second, this section would modify paragraph (1) of section 1206 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to recognize that the "continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence should be recognized." This is similar to existing language, with the exception that the provision would refer to the desire of the Baltic people for freedom and independence (rather than to their desire for freedom and independence from the Soviet Union) in view of the fact that such freedom and independence has now been achieved and the fact that the Soviet Union has dissolved.

Section 705—Obsolete references in Foreign Assistance Act

This section would modify three provisions in the Foreign Assistance Act of 1961, as amended. Subsection (a) would replace the references in the policy language of section 501 to "international communism and the countries it controls," the need to "defeat

Communist or Communist-supported aggression," and the importance of giving priority to the needs of countries in danger of "becoming victims of active Communist or Communist-inspired aggression or those countries in which the internal security is threatened by Communist-inspired or communist-supported internal subversion." In each case a more general reference would be substituted. Subsection (b) would replace the reference in section 614 to victims of "active Communist or Communist-supported aggression" with a reference to "active aggression." Subsection (c) would repeal section 620(h), which calls upon the President to adopt regulations and establish procedures to insure that United States foreign aid is not used in a manner that promotes the foreign aid projects of activities of "the Communist-bloc countries."

Section 706—Sense of Congress on review of policy toward U.S.S.R.

This section would repeal section 24 of the International Security Assistance Act of 1978, which contains hortatory language that the President should make a full review of policy toward the Soviet Union.

TITLE VIII—INTERNAL SECURITY PROVISIONS; SOVIET CONSPIRACY TO ESTABLISH WORLD-WIDE COMMUNIST DICTATORSHIP

Section 801—Civil defense

This section would amend a reference in section 501(b)(2) of the Federal Civil Defense Act of 1950 that highlights among the objectives of the civil defense system the need to contribute to perceptions of United States strategic balance with the Soviet Union, which has dissolved.

Section 802—Report on Soviet press manipulation in the United States

This section would repeal section 147 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, which required an unclassified report to Congress on Soviet and communist misinformation and press manipulation in the United States.

Section 803—Subversive Activities Control Act

This section would repeal most of the provisions of Title I of the Internal Security Act of 1950, as amended. In this Act Congress found, for example, that "there exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization." The Act imposed a variety of restrictions on Communist and Communist-front organizations, and created the Subversive Activities Control Board. Many of these provisions have already lapsed or been ruled to have various constitutional infirmities. The criminal provisions prohibiting disclosure of classified information by government officials to agents of foreign governments would be retained, with conforming changes to reflect other modifications being proposed by this section. In addition, section 17, specifying that the criminal provision is in addition to (not in modification of) other criminal laws, would be retained, as would be a general provision allowing the Secretary of Defense and military commanders to impose security restrictions on military facilities.

TITLE IX—MISCELLANEOUS

Section 901—Foreign Relations Authorization Act, fiscal years 1988 and 1989

This section would repeal sections 1201 through 1204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

Section 902—Foreign Relations Authorization Act, fiscal years 1986 and 1987

This section would repeal sections 148 and 805 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.●

By Mr. LAUTENBERG:

S. 1297. A bill to establish community-based partnerships to fight crime in public and assisted housing; to the Committee on Banking, Housing, and Urban Affairs.

COMMUNITY PARTNERSHIPS AGAINST CRIME ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing the Community Partnerships Against Crime Act, or COMPAC, a bill to expand and strengthen the Federal Government's commitment to fighting crime in public and assisted housing. The bill is a product of a joint effort between myself and the Secretary of Housing and Urban Development, Henry Cisneros, who has included the proposal as part of a broader housing bill which is being submitted to the Congress.

Mr. President, the Community Partnership Against Crime Act builds on legislation I developed in 1988, the Public and Assisted Housing Drug Elimination Act, or PAHDEA, which established a competitive grant program that provides funds to housing authorities and residents for antidrug initiatives. Funds can be used to hire additional security personnel; to establish, equip, and train tenant patrols; to make physical improvements designed to enhance security; and for initiatives designed to reduce the use of illegal drugs, such as prevention, referral, and treatment programs.

PAHDEA has had a significant, positive impact in housing authorities throughout the country. Residents in many areas report substantial improvements in their living environments, as improved security programs have eliminated drug dealing and crime. However, the program remains limited in scope, and the need for assistance has overwhelmed available resources.

The Community Partnerships Against Crime Act would expand and enhance PAHDEA in several ways.

First, it would broaden PAHDEA's scope to apply to all types of crime, not simply crime that is drug related. While drugs remain a serious problem in many housing developments, and are directly related to many crimes, there are other types of criminal activity that also demand a response.

Second, COMPAC would significantly increase the resources available to fight crime. In the current fiscal year, $145.5 million was available for grants to public housing authorities under PAHDEA. This was sufficient to fund antidrug programs at only 438 of the roughly 3,200 housing authorities nationwide. The scarcity of funding has discouraged many authorities from even applying. Of those that do apply, 48 percent are rejected, including some with serious crime problems.

COMPAC proposes an authorization level of $265 million in fiscal year 1994 and $325 million in fiscal year 1995. This should better meet the demand for funding, though inevitably some needs would remain unmet.

A third feature of COMPAC is that it will encourage involvement of a broad range of community-based groups, and residents of neighboring HUD-owned or assisted housing, in the development and implementation of anticrime plans. This reflects Secretary Cisneros's commitment to working on problems through a broad-based, community-wide approach. I agree entirely with this approach, and believe it is essential to the success of anticrime programs. Under COMPAC, as under PAHDEA, authorities that involve the community will be at a significant competitive advantage in the grant selection process. The legislation goes beyond the existing program in highlighting the importance of involving not only community-based groups, but neighboring residents as well.

The next major element of COMPAC would target opportunities for long-term commitments of funding to housing authorities with serious crime problems. This is designed to respond to concerns that have been raised by some housing authorities about the current program, which makes grants available for 1- and 2-year periods. Many authorities have found that the lack of long-term certainty has made it more difficult to hire drug counselors and other personnel, and to plan their anticrime programs.

To respond to the need for greater certainty, COMPAC proposes two modifications to PAHDEA. First, the legislation would allow housing authorities with especially severe crime problems to apply for renewable grants. Winners of these grants, so long as they perform in a satisfactory manner, would be assured of funding for 5 years, without the necessity of competing against other housing authorities for the scarce resources available.

Housing authorities not eligible for renewable grants could compete for grants of up to 2 years. To assure greater certainty of continued funding, the Secretary would be authorized to provide a scoring preference to those housing authorities seeking to extend programs funded by a prior grant, if they are performing well.

While these two provisions will provide greater certainty for housing authorities that win grants, some have suggested that we go further, and automatically provide grants to all authorities with crime problems. I understand

why some authorities would prefer such an entitlement, and I am sympathetic to their concerns. At the same time, a broad-based formula approach has some significant disadvantages.

Even with the increase proposed in COMPAC, there simply is not enough money to provide a meaningful allocation to all authorities with real needs. Therefore, either some needy authorities would have to be excluded from a formula altogether, or the amount of funding distributed would be insufficient to mount an effective anticrime program in many areas.

COMPAC would avoid the need to set an arbitrary cutoff, while allowing meaningful grant amounts, by targeting grants to housing authorities that score highest on four selection criteria: First, the extent of the applicant's crime problem, second, the quality of the applicant's anticrime plan, third, the capability of the applicant to carry out the plan, and fourth, the extent to which the applicant involves residents and the local community in the design and implementation of anticrime plans. Each of these factors deserves to be considered, to ensure that scarce resources are provided where the needs are greatest, and where grants will be put to their best use.

Beyond targeting scarce resources effectively, COMPAC's competitive mechanism creates an incentive for housing authorities to produce high quality anticrime plans. Research has shown that for anticrime programs to work, it is essential that authorities work closely with their residents and with the local community. This means, for example, involving youth groups, drug counseling centers, and schools, enlisting the support of local elected officials, and ensuring that local law enforcement agencies are committed to addressing the crime problem in public housing. Competition creates an often-needed incentive for authorities to invest their time and effort in this kind of outreach, since HUD evaluates outreach efforts in selecting applications.

I should note that the legislation does allow HUD considerable discretion in structuring the mechanism by which grants are selected, so long as that mechanism is consistent with the selection criteria established in the legislation. Thus, for example, HUD could choose to give greater weight to the extent of the crime problem, the first selection criterion, in the evaluation of applications, a step that I would support.

Mr. President, I want to thank Secretary Cisneros for his help and cooperation in putting together this legislation, and for his commitment to fighting crime in public housing. I appreciate it, and look forward to working closely with the Department as the bill moves through the legislative process, and as we seek funding for the program.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Partnerships Against Crime Act", or "COMPAC".

SEC. 2. COMMUNITY PARTNERSHIPS AGAINST CRIME.

(a) CONFORMING PROVISIONS.—(1) Section 5001 of the Anti-Drug Abuse Act of 1988 is amended—

(A) by striking "CHAPTER 2—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION" and inserting in lieu thereof the following: "CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(B) by striking "Congressional findings." and inserting in lieu thereof the following: "Purposes."; and

(C) by adding after "SEC. 5130. Authorization of appropriations." the following: "SEC. 5131. Technical assistance.".

(2) The heading for chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended to read as follows:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME".

(b) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Sections 5121, 5122, and 5123 of the Public and Assisted Housing Drug Elimination Act of 1990 are amended to read as follows:

"SEC. 5121. SHORT TITLE.

"The chapter may be cited as the 'Community Partnerships Against Crime Act of 1993'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) substantially expand and enhance the Federal government's commitment to eliminating crime in public housing;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related;

"(3) target opportunities for long-term commitments of funding primarily to public housing agencies with serious crime problems;

"(4) encourage the involvement of a broad range of community-based groups, and residents of neighboring housing that is owned or assisted by the Secretary, in the development and implementation of anti-crime plans;

"(5) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving;

"(6) provide training, information services, and other technical assistance to program participants; and

"(7) establish a standardized assessment system to evaluate need among public housing agencies, and to measure progress in reaching crime reduction goals.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development, in accordance with the provisions of this chapter, may make grants, for use in eliminating crime in and around public and other federally assisted low-income housing projects (1) to public housing agencies (including Indian housing authorities) and (2) using amounts appropriated for fiscal year 1994 only, to private, for-profit and nonprofit owners of federally assisted low-income housing. In designing the program, the Secretary shall consult with the Attorney General.".

(c) ELIGIBLE ACTIVITIES.—Section 5124 of such Act is amended—

(1) by striking "(9a) PUBLIC AND ASSISTED HOUSING.—";

(2) by inserting in the introductory material, immediately after "used in", the following: "and around";

(3) in paragraph (3), by inserting immediately before the semicolon the following: ", such as fencing, lighting, locking, and surveillance systems";

(4) by striking paragraph (4)(A) and inserting in lieu thereof the following new subparagraph:

"(A) to investigate crime; and";

(5) in paragraph (6)—

(A) by striking "in and around public or other federally assisted low-income housing projects"; and

(B) by striking "and" after the semicolon;

(6) in paragraph (7)—

(A) by striking "where a public housing agency receives a grant,";

(B) by striking "drug abuse" and inserting in lieu thereof "crime"; and

(C) by striking the period at the end and inserting in lieu thereof a colon;

(7) by adding the following new paragraphs after paragraph (7):

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community on proactive crime control and prevention;"

"(9) youth initiatives, such as activities involving training, education, after school programs, cultural programs, recreation and sports, career planning, and entrepreneurship and employment; and

"(10) resident service programs, such as job training, education programs, and other appropriate social services which address the contributing factors of crime."; and

(8) by striking subsection (b).

(d) APPLICATIONS.—Section 5125 of such Act is amended—

(1) in subsection (a)—

(A) by adding the paragraph designation "(1)" immediately after "IN GENERAL.—";

(B) in the first sentence, by striking ", a public housing resident management corporation,";

(C) in the second sentence, by striking "drug-related crime on the premises of" and inserting in lieu thereof the following: "crime in and around"; and

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

"(2) The Secretary shall, by regulation issued after notice and opportunity for public comment, set forth criteria for establishing a class of public housing agencies that have especially severe crime problems. Any public housing agency within this class may submit an application for a one-year grant under this chapter that, subject to the availability of appropriated amounts, shall be renewed for a period not exceeding the four subsequent years: *Provided*, That the Secretary finds, after an annual or more frequent performance review, that the public housing agency is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the Secretary may prescribe.

"(3) Any eligible applicant may submit an application for a grant for a period of up to

two years. The Secretary may accord a preference to applications seeking a subsequent grant under this paragraph if the grant is to be used to continue or expand activities assisted under a previous grant under this paragraph and the Secretary finds that the applicant's program under the prior grant is being managed soundly and demonstrates success. Any preferences under the preceding sentence shall not unreasonably prejudice the opportunities of other public housing agencies to be awarded grants under this paragraph.";

(2) in subsection (b)—

(A) in the introductory material, by striking "subsections (c) and (d)" and inserting in lieu thereof "subsections (a) and (c)";

(B) in paragraph (1), by striking "drug-related crime problem in" and inserting in lieu thereof the following: "crime problem in and around";

(C) in paragraph (2), by inserting immediately after "crime problem in" the following: "and around"; and

(D) in paragraph (4), by inserting after "local government" the following: ", local community-based non-profit organizations, local resident organizations that represent the residents of neighboring projects that are owned or assisted by the Secretary,";

(3) in subsection (c)(2) by striking "drug-related" the two places it appears; and

(4) by striking subsection (d).

(e) DEFINITIONS.—Section 5126 of such Act is amended by striking paragraphs (1) and (2), and renumbering paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(f) IMPLEMENTATION.—Section 5127 of such Act is amended to read as follows:

"SEC. 5127. IMPLEMENTATION.

"The Secretary shall issue regulations to implement this chapter within 180 days of the enactment of the Community Partnerships Against Crime Act."

(g) REPORTS.—Section 5128 of such Act is amended by striking "drug-related crime in" and inserting in lieu thereof the following: "crime in and around".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 5130 of such Act is amended—

(1) in the first sentence of subsection (a), by striking "$175,000,000 for fiscal year 1993" and all that follows and inserting in lieu thereof: $265,000,000 for fiscal year 1994 and $325,000,000 for fiscal year 1995.";

(2) in subsection (b)—

(A) by striking "SET-ASIDES" and inserting in lieu thereof "SET-ASIDE";

(B) by striking the first sentence;

(C) by striking "drug elimination";

(D) by striking "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal year 1994"; and

(E) by striking "and 5.0 percent" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(3) by striking subsection (c) and section 520(k) of the Cranston-Gonzalez National Affordable Housing Act.

(i) TECHNICAL ASSISTANCE.—Such Act is further amended by adding at the end thereof the following new section:

"SEC. 5131. TECHNICAL ASSISTANCE.

"Of the amounts appropriated annually for each of fiscal years 1994 and 1995 to carry out this chapter, the Secretary is authorized to use up to $10,000,000, directly or indirectly, under grants, contracts, cooperative agreements, or otherwise, to provide training, information services, and other technical assistance to public housing agencies and other entities with respect to their participation in the program authorized by this chapter. Such technical assistance may include the establishment and operation of the clearinghouse on drug abuse in public housing and the regional training program on drug abuse in public housing under sections 5143 and 5144 of this Act. The Secretary is also authorized to use the foregoing amounts for obtaining assistance in establishing and managing assessment and evaluation criteria and specifications, and obtaining the opinions of experts in relevant fields.".●

ADDITIONAL COSPONSORS

S. 30

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 725

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 725, a bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 968

At the request of Mr. BRADLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 968, a bill to establish additional exchange and training programs with the independent states of the former Soviet Union and the Baltic states.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1005

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1005, a bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job-training, and other educational activities for residents of public housing and federally assisted housing and other low-income families.

S. 1125

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1228

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1228, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 1229

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1229, a bill to repeal the provisions of the Service Contract Act of 1965.

S. 1263

At the request of Mr. HARKIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1263, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1274

At the request of Mr. BUMPERS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1274, a bill to authorize funding for certain Small Business Administration programs, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the names of the Senator from Colorado [Mr. BROWN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 21

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AMENDMENT NO. 638

At the request of Mr. BROWN the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of amendment No. 638 proposed to H.R. 2493, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENT NO. 649

At the request of Mr. FEINGOLD his name was added as a cosponsor of amendment No. 649 proposed to H.R. 2493, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

KENNEDY AMENDMENT NOS. 668–673

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

AMENDMENT NO. 668

In lieu of the matter proposed to be inserted, insert the following:

"(e) WAIVER.—Any participant in a national service program that receives assistance under section 121 may, at the option of the participant, waive the right of the participant to receive a national service educational award under this section, without receiving an alternative post-service benefit.

AMENDMENT NO. 669

In lieu of the matter proposed to be inserted, insert the following:

"(f) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out with assistance provided under this section will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees;

except that, with respect to speeches, this subsection shall not apply to political appointees who are responsible for the administration of a national service program.

"(2) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the non-compliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

AMENDMENT NO. 670

In lieu of the matter proposed to be inserted, insert the following:

"(f) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out with assistance provided under this section will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees;

except that, with respect to speeches, this subsection shall not apply to political appointees who are responsible for the administration of a national service program.

"(2) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the noncompliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

AMENDMENT NO. 671

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

"Notwithstanding section 501(a)(2), no funds are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, for each of the fiscal years 1997 and 1998.

AMENDMENT NO. 672

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

"Notwithstanding section 501(a)(2), no funds are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, for each of the fiscal years 1997 and 1998.

AMENDMENT NO. 673

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RESTRICTION ON SERVICE.

Any organization or entity receiving funds under subtitle C of title I of the National and Community Service Act of 1990 shall deny the participation of any homosexual, heterosexual, or bisexual individual who has been convicted of or who is charged with a sexual offense involving a minor, in any program or activity under such Act that educates, coaches or trains any minor, or that holds out that individual as a role model, mentor, or companion to any minor.

NICKLES AMENDMENT NOS. 674–681

(Ordered to lie on the table.)

Mr. NICKLES submitted eight amendments intended to be proposed by him to the bill (S. 919) supra, as follows:

AMENDMENT NO. 674

At the appropriate place, insert the following new section:

"SEC. . SUNSET OF SPENDING AUTHORITY.—Notwithstanding any other provision of this Act, the spending authority to provide financial assistance under subtitles C and H of title I, and the spending authority to provide national service educational awards under subtitle D of title I, shall expire at the end of fiscal year 1996."

AMENDMENT NO. 675

At the appropriate place, insert the following new section:

"SEC. . DEFICIT REDUCTION CONDITION.—Notwithstanding any other provision of law, none of the funding provided by this Act shall be expended unless the Director of the Congressional Budget Office certifies that legislative action by Congress has reduced the federal budget deficit by $500 billion relative to CBO's March 1993 capped baseline.

AMENDMENT NO. 676

(1) On page 307, line 18, insert "(1)" before the word "An".

(2) On page 308 between lines 6 and 7 insert the following new subsection—

"(2) A participant in a national service program carried out using assistance provided under section 121 shall not—

(a) distribute condoms or other birth control devices,

(b) solicit participation in federal welfare programs, including but not limited to AFDC, Food Stamps, and Legal Aid,

(c) participate in the enforcement of federal environmental laws and regulations, including but not limited to those laws and regulations dealing with wetlands and endangered species, or

(d) participate in activities which encourage abortion.

AMENDMENT NO. 677

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $100,000,000 for fiscal year 1997, and $100,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTARY ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1996 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

AMENDMENT NO. 678

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle C and H of title I, and to provide national service educational awards under subtitle C and H of title I, and to provide national service educational awards under subtitle D of title I, $200,000,000 for fiscal year 1995, $200,000,000 for fiscal year 1996 $200,000,000 for fiscal year 1997, and $200,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal

year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal years 1996, and $36,000,000 for each of the fiscal year 1997 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

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AMENDMENT NO. 679

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $300,000,000 for fiscal year 1994, $300,000,000 for fiscal year 1995, $300,000,000 for fiscal year 1996, $300,000,000 for fiscal year 1997, and $300,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1997 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

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AMENDMENT NO. 680

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $389,000,000 for fiscal year 1994, $399,000,000 for fiscal year 1995, $409,000,000 for fiscal year 1996, $419,000,000 for fiscal year 1997, and $430,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—Thee are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995 and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal year 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502(42 U.S.C. 5082) is amended to read as follows:

SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1997 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended)—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502 for the purposes prescribed in sections 416 and 426."; and

AMENDMENT NO. 681

On page 68, after line 25, insert the following:

"(g) LIMITATION.—Notwithstanding any other provision of this Act, to be eligible to receive a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e) a participant shall demonstrate that—

"(1)(A) the participant would, if enrolled in an institution of higher education, be considered to be a dependent student for purposes of determining the participant's needs for assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(B) the total income (as defined in section 480(a) of the Higher Education Act of 1965 (20 U.S.C. 2087vv(a)) of the family of the participant is less than or equal to $115,000, or

"(2)(A) the participant would, if enrolled in an institution of higher education, be considered to be an independent student (as defined in section 480(d) of such Act); and

"(B) the total income (as defined in section 480(a) of such Act) of the participant is less than or equal to $115,000.

On page 75, between lines 20 and 21, insert the following:

"(e) LIMITATION.—Notwithstanding any other provision of this Act, to be eligible to receive a national service educational award under this section, a participant shall make the demonstration required by section 140(g).

KENNEDY AMENDMENT NO. 682

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

On page 48, strike line 2 and insert the following:

"(a) IN GENERAL.—An application submitted to the Corporation under

On page 48, line 11, strike "or".

On page 48, line 20, strike the period and insert "; or".

On page 48, between lines 20 and 21, insert the following:

"(5) organization that expends more than 20 percent of the annual budget of the organization, or whose primary purpose is, to influence public policy or engage in legislative advocacy activities.

"(b) ADVOCACY ACTIVITIES.—Nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

KENNEDY (AND DURENBERGER) AMENDMENT NO. 683

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. DURENBERGER) submitted an amendment intended to be proposed by them to the bill (S. 919), supra, as follows:

On page 204, line 9, strike "and".

On page 204, line 12, strike the period and insert "; and".

On page 204, between lines 12 and 13, insert the following:

"(10) prepare and make recommendations to the Congress and the President of the United States for changes in this Act resulting from the studies and demonstrations the President of the Corporation is required to carry out under section 193A(b)(10), which recommendations shall be submitted to the Congress and President of the United States not later than September 30, 1995.

On page 208, line 10, strike "and".

On page 208, line 24, strike the period and insert "; and".

On page 208, after line 24, insert the following:

"(10) provide for studies and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995 a report containing recommendations regarding, issues related to—

"(A) the administration and organization of programs authorized under the national service laws or under Public Law 91-378 (referred to in this subparagraph as 'service programs'), including—

"(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;

"(ii) the manner in which—

"(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and

"(II) such outcomes should be defined and measured in such service programs;

"(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;

"(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

"(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;

"(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and

"(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and

"(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 related to community service.

On page 236, line 15, insert "(other than paragraph (10))" after "(b)".

On page 250, lines 1 and 2, strike "through 1998" and insert "through 1996".

On page 250, strike lines 22 through 25, and insert the following: under subtitle D of title I, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996.

On page 251, line 9, strike "through 1998" and insert "through 1996".

On page 251, line 13, strike "through 1998" and insert "through 1996".

On page 251, line 16, strike "through 1998" and insert "through 1996".

On page 286, line 25, strike "through 1998" and insert "and 1996".

On page 287, line 4, strike "through 1998" and insert "through 1996".

On page 287, line 9, strike "through 1998" and insert "and 1996".

On page 287, line 13, strike "through 1998" and insert "through 1996".

On page 287, line 18, strike "through 1998" and insert "through 1996".

On page 287, line 22, strike "through 1998" and insert "through 1996".

On page 288, lines 22, through 25 and insert the following: years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

On page 289, line 18, strike "through 1998" and insert "and 1996".

On page 289, line 22 and 23, strike "through 1998" and insert "and 1996".

On page 290, lines 2 and 3, strike "through 1998" and insert "and 1996".

On page 290, line 7, strike "through 1998" and insert "through 1996".

KENNEDY AMENDMENT NO. 684

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

On page 251, line 13, insert after "1998." the following: "For fiscal year 1994, such sums shall not exceed 15 percent of the amounts appropriated to carry out subtitles B, C, D, and H of title I of this Act for such fiscal year. For each subsequent fiscal year, such sums shall not exceed 10 percent of the amounts appropriated to carry out such subtitles for such subsequent fiscal year. Of the amounts appropriated under this paragraph for a fiscal year, 50 percent shall be made available to the State Commissions, and 50 percent shall be made available to the Corporation, for the administration of this Act.".

On page 290, line 17, strike "20 percent" and insert "15 percent".

GRAMM AMENDMENT NOS. 685-686

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill (S. 919), supra, as follows:

AMENDMENT NO. 685

At the appropriate place, insert the following:

"( ) LIMITATION.—

"(1) DEFINITION.—As used in this subsection, the term 'civil service employee' means an individual employed in a position in the civil service, as defined in section 2101(1) of title 5, United States Code.

"(2) EXPANDED WORK OPPORTUNITIES.—Notwithstanding any other provision of this Act, nothing in this act shall:

"(A) have the effect of protecting civil service employees from partial or full displacement by national service participants; or

"(B) require any person or entity who receives financial assistance for the purpose of carrying out a program under this act to consult with any local labor organization representing civil service employees who are engaged in the same or similar work in the same location as that proposed to be carried out by such program.

AMENDMENT NO. 686

At the appropriate place, insert the following:

"( ) LIMITATION.—

"(1) DEFINITION.—As used in this subsection, the term 'civil service employee' means an individual employed in a position in the civil service, as defined in section 2101(1) of title 5, United States Code.

"(2) EXPANDED WORK OPPORTUNITIES.—Notwithstanding any other provision of this Act, nothing in this act shall:

"(A) have the effect of protecting civil service employees from partial or full displacement by national service participants; or

"(B) require any person or entity who receives financial assistance for the purpose of carrying out a program under this act to consult with any local labor organization representing civil service employees who are engaged in the same or similar work in the same location as that proposed to be carried out by such program.

KENNEDY AMENDMENT NO. 687

(Ordered to lie on the table.)

Mr. Kennedy submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

Page 191 add at the end of line 2, before the period: ", which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity if such entity provides for individuals described in subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including preparation of a national service plan for the state and preparation of the applications of the state for financial assistance and approval of national service positions".

Page 191, lines 7 through 15, strike the sentence that begins "The Corporation shall reject a request * * *".

Page 192, line 10, add at the end:

"(6) An alternative administrative entity approved by the Corporation shall receive the same rights, benefits, and support provided to state commissions."

Page 21, line 12, add at the end:

"(d) Notwithstanding any other provision of this section, any program funded under subtitle C or D of the National and Community Service Act of 1990 shall be eligible for funding under this subtitle for a period of 30 months from the date of enactment."

Page 187, line 21, insert after "that": "may build on any comprehensive state plan submitted pursuant to the National and Community Service Act of 1990, and that".

STEVENS AMENDMENT NOS. 688–691

(Ordered to lie on the table.)

Mr. STEVENS submitted four amendments intended to be proposed by him to the bill (S. 919), supra, as follows:

AMENDMENT NO. 688

On page 151, strike line 3 and insert the following: 25 percent of the total cost of the conversion.".

"(d) SPECIAL DEMONSTRATION PROJECT FOR THE YUKON-KUSKOKWIM DELTA OF ALASKA.—Notwithstanding the requirements or limitations of subsection (c), the Director shall give priority consideration to applications which address significant human needs in the Yukon-Kuskokwim delta region of Alaska. Such applications should utilize VISTA volunteers, returning Peace Corps volunteers and other qualified persons, in partnership with the local non-profit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents. An application for funds under this subsection should consider the primarily non-cash economy of the region, as well as the needs and desires of the local communities, and shall include specific strategies for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region. Such strategies shall be developed in cooperation with the Yupi'k speaking population who reside in such communities.".

AMENDMENT NO. 689

On page 151, strike line 4 and insert the following:

"(e) TABLE OF CONTENTS.—

AMENDMENT NO. 690

On page 152, strike line 1 and insert the following:

"(f) TECHNICAL AND CONFORMING AMENDMENTS.—

AMENDMENT NO. 691

On page 155, strike lines 7 and 8 and insert the following:

"(g) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National".

KENNEDY AMENDMENT NO. 692

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

On page 21, between lines 12 and 13 insert the following:

"(d) EXISTING PROGRAMS.—Notwithstanding any other provisions of this section, any program that received financial assistance under subtitle C or D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subsection, shall be eligible to receive financial assistance under this subtitle for a period of 30 months from the date of enactment of this subsection.

On page 187, line 21, insert after "that" the following: "may build on any comprehensive State plan submitted pursuant to regulations issued under the National and Community Service Act of 1990, and that".

On page 191, strike the period at the end of line 2 and insert the following: ", which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity of such entity provides for individuals described in subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the duties described in paragraphs (1) through (4) of subsection (e).".

On page 191, lines 7 through 15, strike "The Corporation shall reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that use of the alternative administrative entity does not allow the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission." and insert "The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the entity does not provide for individuals described in subsection (c) to play a significant policymaking role as described in paragraph (2).".

On page 192, between lines 10 and 11, insert the following:

"(6) RIGHTS, BENEFITS, AND SUPPORT.—An alternative administrative entity approved by the Corporation under this subsection shall have the same rights as a State Commission, and shall receive from the Corporation the same benefits and support as the Corporation provides to a State Commission.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1994 DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1993

GREGG AMENDMENT NO. 693

Mr. GREGG proposed an amendment to the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 34, line 2, strike beginning with the semicolon through line 10 and insert the following: "; and

"(2) contracting out will provide savings over the duration of the contract of at least 10 percent.".

WARNER AMENDMENT NO. 694

Mr. WARNER proposed an amendment to the bill (H.R. 2492), supra, as follows:

At the appropriate place, insert the following:

"The Mayor of the District of Columbia shall report back to the Congress within 90 days on the status of construction of a new Federal prison in the District of Columbia as previously authorized by Congress."

NICKLES AMENDMENT NO. 695

Mr. WARNER (for Mr. NICKLES) proposed an amendment to the bill (H.R. 2492), supra, as follows:

On page 4, line 20, before the period insert ": *Provided further*, That the District of Columbia shall identify the sources of funding for admission to statehood from its own locally generated revenues".

NUNN AMENDMENT NO. 696

Mr. KOHL (for Mr. NUNN) proposed an amendment to the bill (H.R. 2492), supra, as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES.

(a) LEGAL DOMICILE.—The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (referred to as "the Act"), is amended by adding at the end thereof the following: "The District of Columbia shall be the legal domicile of the corporation.".

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 5 of the Act is amended to read as follows:

"SEC. 5. The corporation shall be licensed and regulated by the District of Columbia in

accordance with the laws and regulations of the District of Columbia.".

(2) REPEAL.—The Act is amended by striking section 7.

(c) REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION.—The Act (as amended by subsection (b)) is amended by inserting after section 6 of the following new section:

"SEC. 7. The corporation shall reimburse the District of Columbia for the costs of insurance regulation (including financial and market conduct examinations) of the corporation and its affiliates and subsidiaries by the District of Columbia.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

DEPARTMENT OF JUSTICE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994 DEPARTMENT OF COMMERCE APPROPRIATIONS ACT, 1994 JUDICIARY APPROPRIATIONS ACT, 1994 DEPARTMENT OF STATE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994 DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

KERREY AMENDMENT NO. 697

Mr. KERREY proposed an amendment to the bill (H.R. 2519) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place insert:

SEC. . FUNDING OF DISASTER RELIEF PAYMENTS.

It is the sense of the Senate that disaster relief assistance for disasters occurring during 1993 should be funded through the enactment in the Omnibus Budget Reconciliation Act of 1993 of a temporary Federal tax on gasoline.

D'AMATO (AND OTHERS) AMENDMENT NO. 698

Mr. D'AMATO (for himself, Mr. STEVENS, Mr. DOMENICI, and Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 2519), supra, as follows:

At the end of pending amendment, add the following:

• CONSTITUTIONAL DEATH PENALTY PROCEDURES FOR CAUSING DEATH BY TERRORIST ACTIVITY OR BOMBING.

(a) DEATH PENALTY PROCEDURES.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Definitions.
"3592. Sentence of death.

"§ 3591. Definitions

"In this chapter—

"'capital offense' means an offense that constitutes—

"(A) a violation of subsection (d), (f), or (i) of section 844; or

"(B) a terrorist activity.

"'terrorist activity' means—

"(A) the highjacking or sabotaging of an aircraft, vessel, vehicle, or other conveyance;

"(B) the seizing or detaining of a person and threatening to kill, injure, or continue to detain the person for the purpose of compelling another person (including a government organization) to perform or refrain from performing any act as an explicit or implicit condition for the release of the seized or detained person;

"(C) a violent attack on an internationally protected person (as defined in section 1116(b)(4) or on the liberty of such a person;

"(D) an assassination; and

"(E) the use of a biological agent, chemical agent, or nuclear weapon or device with intent to endanger, directly or indirectly, the safety of a person or to cause substantial damage to property.

"§ 3592. Sentence of death

"(a) IN GENERAL.—A sentence of death for a capital offense may be imposed only if—

"(1) the defendant caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r)), except that for the purposes of a violation of that law, the reference to 'this section' in section 408 (g) and (h)(1) and 'subsection (e)' in section 408 (i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to that subsection.

"(b) FLEXIBILITY.—No rule of law, including a rule contained in a law under which an offense is committed, may be applied in determination whether a penalty of death shall be imposed in a particular case, other than the procedures described in subsection (a). Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

"(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act notwithstanding any other provision of this Act.

GLENN AMENDMENT NO. 699

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (H.R. 2519), supra, as follows:

On page 28, add after line 22 the following new section:

SEC. 112. No funds appropriated under this Act or any other Act may be expended to implement or enforce Attorney General Order No. 1638-92, dated December 11, 1992 (relating to the jurisdiction of the Office of the Inspector General and certain allegations of misconduct).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, July 27, 1993, at 10 a.m. to conduct a hearing on the nominations of Nelson Diaz to be General Counsel of the Department of Housing and Urban Development, and Gordon J. Linton to be Federal Transit Administrator.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10:30 a.m. July 27, 1993, on the nomination of Lionel Skipwith Johns, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10:30 a.m. July 27, 1993, on the nomination of Mary Lowe Good, of New Jersey, to be Under Secretary of Commerce for Technology.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 27, 1993, at 2 p.m., to hold a nomination hearing on Stuart E. Eizenstat, to be U.S. Representative to the European Communities, with the rank of Ambassador.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Art and the Humanities be authorized to meet for a hearing on "How We Pay Our Schools," during the session of the Senate on Tuesday, July 27, 1993, at 9:15 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HOLLINGS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the report of the National Academy of Sciences' Committee To Review the Health Effects in Vietnam Veterans Exposure to Herbicides at 10 a.m. on Tuesday, July 27, 1993. The hearing will be held in room G50 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 27, 1993, at 2:30 p.m., to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON CLEAN WATER

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 27, beginning at 2:15 p.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on the issues of watershed planning and enforcement.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 27, 1993, at 3 p.m., to receive a closed briefing on the latest developments in United States-North Korea talks on the Nuclear Non-Proliferation Treaty.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. HOLLINGS. Mr. President, I would like to request that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be granted authority to meet during the session of the Senate on Tuesday, July 27, 1993, at 9:30 a.m., to hold a hearing on oversight of Federal property management.

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

ADDITIONAL STATEMENTS

NATIONAL ENDOWMENT FOR DEMOCRACY (NED)

• Mr. LUGAR. Mr. President, sometime this week the full Senate will take up legislation that will ask Members to make a judgment on the National Endowment for Democracy [NED]. The legislation could be both an authorization bill and an appropriations bill. I strongly urge Members to support continued funding for the NED when these bills reach the floor.

The National Endowment for Democracy has been in existence for a decade and has been one of the most effective organizations in the world in supporting democracy and democratic institution-building. The NED and its core grantees have been involved globally in helping nondemocratic societies transition to open political systems, sustain those fledgling democratic societies once the transition has begun, and strengthen democratic institutions during the difficult post transition phase of democratic conversion. Whether supporting a free press, civic education, free and fair elections, government accountability, free market practices, or labor organizing, the NED has helped play a catalytic role in promoting open and pluralistic civil societies around the world.

I have been privileged to be a member of the NED board of directors for the past year and have been able to observe first hand and up close the vigorous review process on all proposals before the Board. I have been deeply impressed by the quality, diligence, and dedication of the entire NED family. I have been equally impressed by the fact that NED has been engaged in its worldwide activities with a comparatively small staff, low overhead costs, and a relatively modest budget. Much of the work of its core institutes is done by volunteers who are not paid, who give up free vacation time, and who wish to contribute to grass roots efforts to build democratic societies abroad.

There should be little doubt about NED's success in promoting democratic values and practices, about its international reputation, or about its contribution to beating back threats to democracy from authoritarianism, communism, repression, and statism. Letters, in the form of testimonials and endorsements, have come in from around the world urging continued support for NED. They come from national leaders, reformers, democrats, from people of all persuasions and orientations who share one common overarching value: that freedom and democracy are values worth having because they lead to a better and more enriching life with greater dignity and purpose. NED has been an important part of the experiences of these distinguished individuals as they grappled with problems in bringing democracy to their countries. Comparable endorsements have poured in from U.S. Government leaders, the press, and others in virtually every sector of our own society.

This global endorsement should not be surprising. The NED has enjoyed strong bipartisan support here in the United States and in the Congress ever since it was established. It received the enthusiastic support of Presidents Reagan and Bush and is now a major foreign policy priority of President Clinton. Democrats and Republicans, liberals and conservatives, academicians, practitioners, businessmen, political activists, amateurs and professionals openly and knowingly praise the work of NED and its four core institutes: the Free Trade Union Institute [FTUI], the Center for International Private Enterprise [CIPE], the International Republican Institute [IRI], and the National Democratic Institute [NDI].

Mr. President, I ask that a representative sample of excerpts from letters and testimonials about NED be included in the RECORD. They come from abroad and at home. It is my hope that these documents will help inform Members of NED's efficacy and that each Member will support the NED provisions in the Foreign Relations authorization bill and in the Commerce, Justice, and State appropriations bill when they come before this body.

The material follows:

NATIONAL ENDOWMENT FOR DEMOCRACY

MISCELLANEOUS ENDORSEMENTS

"NED played a critical role in support of Lithuania's drive to reestablish democracy and national independence. By supplying Sajudis and other grassroots democratic organizations in Lithuania with computers, telefax machines and other technical assistance as well as paper for its democratic press, NED made our enormous task of challenging, and ultimately defeating, the Soviet Empire much easier. * * * NED had the foresight and courage to support us at a time when others in the West preferred to sit on the sidelines or even to support Goliath against David * * * Lithuania's democratic forces need NED's assistance today as much as they needed its help in 1989 and 1990 * * * the return of anti-democratic regimes in Eastern Europe and the former Soviet Union and the resurgence of imperial forces in Russia is an ever-present threat not just to the citizens of those countries but also to those of the United States."—Vytautas Landsbergis, former President of Lithuania.

"We think the democratic revolution in Ukraine is not yet finished. The old communist nomenclature changed its name and called itself democratic. It is still in power and does its best against development of real democracy in Ukraine. So we are in the position that the help of the National Endowment for Democracy is still very important for Ukraine. We are grateful to NED for its contribution to the development of democracy. That is the best proof of the American peoples' devotion to democratic ideals."—From a letter signed by nine members of the Ukrainian parliament, including representatives of the Independent Miners Trade Union, the Ukrainian Legal Foundation, several independent publications and the Ukrainian Centre for Independent Political Research.

"Practically speaking, the endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of non-governmental organizations. In this way, it promotes the emergence of civil society, which serves as the basic guarantee that the future development of these countries will follow along a democratic path. * * * The closing of the Endowment poses a danger * * * which can best be characterized by the proverb, "penny wise, pound foolish."—Elena Bonner, widow of Andrei Sakharov.

"Your organization provides important support to independent media organizations in Russia. * * * In contrast to the numerous other foreign aid programs * * * the Endowment has always economically and effectively used its allocated resources. * * * We would like to raise the hope that the activities of the Endowment, which pursue the noble goal of helping democracy triumph in Russia, will continue."—V. Davidov, Chairman of the press syndicate "The Globe," Moscow, Russia.

"I want to thank you for your ongoing support of the work of the Center for Anti-War Action and for your generous financial backing of our conference on war crimes and the International War Tribunal. * * * The National Endowment for Democracy not only made this important meeting and future contacts and collaboration possible, but also set a significant example for others committed to freedom and human rights to follow."—Vesna Pesic, Director, Center for Anti-War Action, Belgrade.

"NED's activity is the mortar which binds together the bricks which together make up the civil society we so much need * * * NED's support gives us the moral and material means to serve a cause dear to us all. * * * It isn't anymore a short, violent battle of arms. It is a long tenacious battle of arms. It is a long tenacious battle to change the mentality of a society. We shall win this struggle the day we shall be able to say truthfully that the people decided their future through their own will."—Luminita Petrescu, Executive Director, Humanitas Foundation, Romania.

"Because of what NED has done for Iraq since the Gulf War, it has been possible for Iraqi writers and human rights activists to get their ideas and aspirations into Iraq. * * * Reports still reach me of the effect of this kind of work in creating a new and enriching climate of ideas on issue of democracy and the imperative for a central focus on human rights in the building of a new order in Iraq. None of this would have been possible without the backing of the National Endowment for Democracy. * * * The work of the NED affects millions of lives and must continue."—Kanan Makiya, Iraqi author of Republic of Fear and Cruelty of Silence.

"In my experience, the Endowment is the only institution prepared to assist fledgling organizations committed and richer institutions, the Endowment does not look for glamorous or elaborate projects, but seeks hands-on sustained effort that works and can have an impact particularly at the grassroots level. It provides support, encouragement and hope for struggling democrats often working under difficult conditions. * * * The end of the Cold War offers an unprecedented chance of success for efforts by the endowment at strengthening a democratic culture among developing nations. * * * Such activity is now "pro-people" and can only be rejected by dictators who constitute a threat to their own countrymen and to world peace. It is in the interest of civilization as a whole to seize this opportunity and, through peaceful, cost-effective means, assist democratic groups to develop and sow the seeds of democracy. * * * I would like to thank the Endowment for having the vision to realize that supporting democracy is not merely a Cold War tool. Iraqi democrats, through the intermediary of the Iraq Foundation, have benefited from this vision and appreciate the Endowment's commitment."—Rend Franke, Executive Director, Iraq Foundation.

"The pro-democracy movements of many countries, including China, are directly encouraged by NED's efforts. It is true that the Cold War is over, but that does not mean that democracy has been achieved. In fact, many countries in today's world are still ruled by oligarchic dictatorships, still lack freedom of speech, still have no meaningful elections and still hold political prisoners. Therefore, NED's functions are still absolutely necessary for the leadership of the US in international affairs. * * * History has shown many times that a dictator who relies on massacre and suppression to maintain his rule at home is frequently untrustworthy in international affairs as well. In this sense the problem of democracy is one of the world-wide problems, like that of environment. Without step-by-step improvement in the world-wide environment for human rights and democracy one cannot expect a complete solution of many international problems."—Fang Lizhi, Chinese astrophysicist.

"We, the Third World people in Asia, Africa and Latin America, still have a life-and-death struggle for democracy, freedom and justice against ruthless dictatorships. The NED's support for our struggles, in the face of severely limited resources, is very crucial and could make a difference between total victory and defeat for the democratic forces. * * * We have achieved much in our struggle because of the support given by NED. * * * Reducing or cutting off NED's support would surely weaken to a great extent democratic movements in general and our struggle in particular."—Dr. Sein Win, Prime Minister, National Coalition Government of the Union of Burma.

"The NED is unique in recognizing the necessity for democratic political development as a global and long-range project. By giving concrete support in a coherent and continuous fashion to a wide diversity of grassroots indigenous movements, the Endowment is giving voice to the victims, providing them with the basic and indispensable tools with which they can set about constructing their democratic future. * * * NED supports a wide range of programs, large and small, provided that they are dynamic and original efforts which make a positive advancement toward democratic progress. * * * The NED, with its unique and far-sighted objectives, is truly pushing back the frontiers of democracy for present and future generations."—Vo Van Ai, President, Que Me, Vietnam Committee on Human Rights.

"Of all the American funding agencies, the Endowment deserves high praise for the quality of its staff, the level of understanding and awareness about the regions it serves, and the assistance and support it provides to its grantees. * * * The National Endowment for Democracy is not mired in paper, bureaucracy or inaccessibility. Operating as a professional foundation, the Endowment has been able to successfully address the needs of new democracies with energy, insight, commitment and dispatch."—Raymond Shonholtz, President, Partners for Democratic Change, San Francisco, CA.

"There is no other US government program which has done so much to secure democracy, freedom and peace in Latvia. The National Endowment for Democracy supported both morally and financially the efforts of the American Latvian Association to aid pro-democracy forces in Soviet-occupied Latvia. This support came at a time when other parts of the US government were unable or unwilling to provide overt help to groups and individuals seeking to reestablish freedom and democracy. * * * I feel it is not overstating the case to say that the National Endowment for Democracy is in part responsible for the victory of democracy in Latvia. The National Endowment for Democracy must be preserved, to help consolidate the gains democracy has made in our world. Latvia, other new or renewed democratic in Europe and around the world and the United States itself have too much at stake to allow America's most successful exponent of democracy reform to die."—Ints Rupners, President, American Latvian Association.

"We have a grant from the National Endowment for Democracy to place recycled computers in organizations to help develop democracy. Our work has had a profound impact on the target organizations. * * * The League of Women Voters in Prague, Czech Republic, keeps its membership list on a donated computer. The Congressional Research office of the Ukrainian parliament publishes 30 journals a week, all with donated computers. The Open Media Foundation in South Africa teaches freedom of speech with donated computers. Old Star Wars accounting computers are on-duty making freedom of speech a reality in Romania. The list goes on and on. Had NED purchased the equipment it would average $3,000 per system. We delivered the machines, on the ground, ready to use for $100 each. This is cheap. And it is indicative of the work being done with NED's money. NED is not a relic of the Cold War. It is a living organization working under different conditions to stimulate democracy."—Alexander Randall, President, East-West Education Development Foundation, Boston, MA.

"The NED is prepared to provide modest but crucial support to citizen projects too small to interest USAID and its ponderous mechanisms. Further, it has brought the skills and talents of many Wisconsin citizens together with those in other countries struggling to build democratic structures and understanding. Former Eau-Claire county administrators have taught regional governance in Belarus, for example * * * and I am sure there are many other Wisconsin leaders like me whose efforts have been engaged in translating US policy into human experience through the NED."—Sarah Harder, Office of the Vice-Chancellor, University of Wisconsin, Eau-Claire.

"The Mershon Center has underway with the Polish Ministry of National Education and major Polish universities the largest, most comprehensive project on democracy education in Central Europe—"Education for Democratic Citizenship in Poland." Among other things, this project is developing curriculum guides for civic education for primary and secondary schools, a civics course that will reach nearly one million primary school students a year, a university course for new teachers on "schools and a democratic society" and five centers for civic and economic education across Poland. This project would not exist without support from the National Endowment for Democracy. * * * Polish philosopher Leszek Kolakowski echoed our own founding fathers when he said "Freedom is never assured. It is always to be defended." In my judgment, the Endowment is worthy of strong, bi-partisan support; you are making an invaluable contribution to the development of democracy across the world and thereby to the defense of American democracy."—Charles Herman, Director, Professor of Political Science, Mershon Center, Ohio State University.

WHAT OTHERS ARE SAYING ABOUT THE NATIONAL ENDOWMENT FOR DEMOCRACY

"The NED has proved to be one of our most effective means for supporting grass-roots trade union, business and citizen groups, which form the basis for democratic reform. By fostering such reforms abroad, we not only project our own values, we also increase our own security and create better partners for trade and global problem solving."—President Bill Clinton, June 16, 1993.

"Backers of NED point out that the Cold War may be over, but the triumph of democracy in large parts of Asia, Africa and Eastern Europe is far from ensured. All sorts of

hostile elements are ready to strangle democracy in the crib. * * * The Senate next month has a chance to undo the damage [of the House vote to kill NED] and keep the United States on the side of building democracy in the world."—David Broder, July 4, 1993.

"The Senate should reverse the House's shortsighted action and restore NED funding. The NED is a dynamic, flexible and cost-effective means of furthering U.S. interests by promoting the development of stable democracies in strategically important parts of the world. The U.S. cannot afford to disarm unilaterally in the international war of ideas."—Executive memorandum, The Heritage Foundation, July 8, 1993.

"The National Endowment has done very effective work. The fact of the matter is, establishing a democracy is a tough, difficult task. It is far more than just running an election. You are building the institutions of democracy, and that is what the Endowment has expertise in."—Congressman Lee Hamilton, June 22, 1993.

"We have observed the Endowment's programs first-hand. They work, and they are cost-effective. We unanimously urge continued funding for efforts that are contributing to the development of democratic institutions and free market economies abroad. * * * Now more than ever, the National Endowment for Democracy is an investment in America's future."—Tom C. Korologos, Chairman, U.S. Advisory Commission on Public Diplomacy, July 9, 1993.

"The work of the National Endowment for Democracy and its affiliates in promoting civic education and the transition to free market economies and pluralistic democracies has proven to be extremely cost-effective. The money spent in promoting democracy is money saved in responding to civil conflicts."—Former President Jimmy Carter, June 30, 1993.

"The NED helps democracy by means of small but life-giving grants for trade unions, student groups, publications, legal assistance for the persecuted, and other measures. It has a record of success in helping democracy put down roots in stony social soil."—George F. Will, July 11, 1993.

"How, in 1993, less than two years after the dissolution of the Soviet Union, less than four years after the fall of the Berlin Wall, less than 12 years after the National Endowment for Democracy started working with Lech Walesa and other believers in democracy in Eastern Europe, within 10 years after the National Endowment for Democracy went to the Philippines and went to Chile, went to Namibia, and went all over the world where the struggle for free elections and democracy was going on and winning support, how can we possibly contemplate wiping out the key part of America's program."—Congressman Howard Berman, June 22, 1993.

"Often mistakenly portrayed as an anti-communistic relic, NED is instead a pioneer of the pro-democracy activism that emerged on every continent in the 1980s."—Scripps Howard News Service editorial, July 3, 1993.

"The National Endowment embodies America's broad-based and bipartisan support for freedom. The Endowment's pioneering programs are models of how democratic principles can be given practical expression in every single region of the world."—Secretary of State Warren Christopher, April 26, 1993.

"The National Endowment for Democracy, during the Cold War, played a vital role from El Salvador to Poland. In the transition out of the Cold War, it plays an even more important role."—Congressman Dana Rohrabacher, June 22, 1993.

"Iraqis fighting Saddam Hussein say one American organization in particular helps keep alive their hopes that democracy has a chance in their country. China's dissidents, at home or in exile, know and bless its name—the National Endowment for Democracy."—A.M. Rosenthal, July 13, 1993.●

TRIBUTE TO KENTUCKY'S BLUE RIBBON HIGH SCHOOLS

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to six outstanding Blue Ribbon Kentucky high schools.

I would like to take this opportunity to congratulate Assumption High School, Belfry High School, Elizabethtown High School, Fort Campbell High School, St. Xavier High School, and Williamsburg High School for their exemplary achievement in secondary education. Recently, these fine Kentucky high schools were honored as Blue Ribbon Schools by the U.S. Department of Education. All six of these high schools will be formally recognized at a ceremony in Washington, DC, this September. I have had the distinct pleasure of visiting several of these schools in the past and I intend to visit more of these outstanding schools in the future to get a firsthand look at their accomplishments.

The recognition of these institutions as Blue Ribbon Schools is particularly laudable considering the vast number of nominations for the award. Only 260 high schools nationwide were awarded this Blue Ribbon honor. Each nominated school was carefully scrutinized by neutral educators. Their evaluation included consideration of curriculum, test scores, general school records, and the overall attitude of the student body. In light of these rigid standards, it is clear that these schools warrant even more praise and respect.

Mr. President, I applaud these Kentucky high schools, not only because they effectively meet local, State, and national education objectives, but also their diligent efforts to provide Kentucky's youth with superior opportunities and brighter futures. It is clear that these exceptional secondary schools have set the standard by which other Kentucky schools should be judged.●

RETROACTIVE ESTATE TAX A BAD IDEA

● Mr. DASCHLE. Mr. President, I have been troubled as a matter of policy by efforts to legislate tax policy retroactively, as it seems to me that the principle of fundamental fairness dictates that taxpayers should only incur tax liability prospectively so that they can plan accordingly. Therefore, I am concerned about a provision in the budget reconciliation bill (H.R. 2264) that provides for a retroactive increase in the Federal estate and gift tax.

While I support this provision if applied prospectively, estate planners, like all individuals and businesses, make financial decisions based on the existing tax rate, and we should not take actions that undermine their legitimate decisions based on current law.

I would like to bring to my colleagues' attention two editorials that recently appeared in the New York Times and Wall Street Journal that point out the various concerns about the retroactive clause. The first is written by Shirley Peterson, former Commissioner of Internal Revenue from 1992 to 1993; the second is written by Gregory Jenner, former tax counsel for minority staff of the Senate Finance Committee.

I believe that both authors eloquently argue against the retroactive application of this provision. Mr. President, I ask that these two editorials be printed in the RECORD.

The editorials follow:

[From the Wall Street Journal, July 15, 1993]

MORE BAD NEWS ABOUT DEATH AND TAXES

(By Gregory F. Jenner)

As the House and Senate conferees iron out the differences in their versions of President Clinton's deficit-reduction package, virtually no attention is being paid to an unfair, and potentially unconstitutional aspect of the package's estate tax rate increase.

The estates of certain individuals who have died since Jan. 1 face higher taxes even though the tax rate increase was not part of the law on the date they passed away. The estate tax is an excise tax imposed on the right to transfer property at the time of death. If this provision is enacted, it will be the first time in the 77-year history of the estate tax that the rates have been increased retroactively.

Contrary to popular opinion, the estate tax does not apply only to the very wealthy. Under current law, the tax begins to apply for taxable estates valued at $600,000 and above. Thus where the decedent has no surviving spouse (and thus no marital deduction), the ownership of a fairly decent home, a couple of life insurance policies, and a modest amount of savings will likely trigger the tax. Advocates for small business have long argued that the imposition of the estate tax beginning at $600,000 of assets is potentially ruinous to a small, family-owned operation.

But the issue raised by the retroactive increase goes beyond the appropriate level and threshold of the tax. (Estates with less than $2.5 million in assets will not be affected by the rate increases.) Rather, the question is one of fairness: Is it appropriate for Congress to increase the tax on the estate of an individual after that person is already deceased? Even to the most fervent supporter of wealth redistribution, there is something about a retroactive increase that is just not right.

In many cases, the assets that make up the estate are not the vast dynasties that people expect to be subject to the estate tax. Rather, they are businesses that the decedent and his spouse built over the years through hard work and the reinvestment of profits.

For example, a midsize farm of 3,000 acres in Iowa, where farmland is currently valued at approximately $2,500 an acre, would be valued at $7.5 million, plus the value of the

equipment. An estate consisting primarily of such a farm would owe $250,000 in additional taxes because of a 5% retroactive increase. The likely outcome is that the farm would be sold off to pay the taxes.

The result is even more egregious if the transfer is subject to the generation skipping transfer (GST) tax. The GST tax applies to the same property, over and above the estate tax, when the property is left, for example, by grandparents to grandchildren. The GST tax rate equals the maximum estate tax rate. Thus for people leaving property to grandchildren, the retroactive increase would be 10% instead of 5%—on top of the current high rates.

Here the example might be, say, a small printing plant in Washington state that the decedent and her husband started from scratch and that eventually grew to a $20 million business. If the decedent left the plant equally to two grandchildren, the total tax (estate and GST) would be approximately $15 million, an effective rate of 75%.

For those heirs faced with selling off the family business in order to pay estate and GST taxes, the process of disposing of a lifetime of work takes a tremendous amount of planning. These taxes must be paid within nine months of the decedent's death; thus the planning decisions are made well in advance, since it often takes time to sell off the family business. For decedents dying after Jan. 1 of this year, many of these decisions have already been made and implemented, often at significant cost to the estate. Is it fair for Congress to ruin these planning decisions by imposing a higher tax rate retroactively?

Beyond the question of fairness is one of constitutionality. Many tax experts believe that a retroactive increase in the estate tax rates would violate the due process clause of the Constitution. Unlike income tax rates, which apply to income earned during a certain period, estate tax rates apply to assets owned at a particular moment in time—the date of death. Where the tax-rate increase could not have been anticipated—in this case, before the president's State of the Union address on Feb. 17, at the earliest—there is a serious question whether Congress has the power to impose a retroactive change in the rates.

The fairest decision would be to apply the tax rate increase prospectively only—beginning on the date the bill is signed by the president.

Most members of Congress would agree that increasing the estate tax rate retroactively is unfair. But to cancel out the retroactive part of the tax would reduce by $237 million the revenue that it would raise, and that loss would have to be made up somewhere else to meet the president's deficit-reduction target. Once again, Congress is faced with the choice of good policy or more revenue. In the past, Congress has usually made the right choice when confronted with this dilemma: For the past 77 years it has honored a tradition of prospective-only increases in the estate tax. With the serious questions about fairness and constitutionality that a retroactive change would raise, there is no good reason to change that pattern now merely for a one-time revenue increase.

[From the New York Times, July 24, 1993]

DEATH AND (RETROACTIVE!) TAXES

(By Shirley D. Peterson)

WASHINGTON.—Tucked away in the statutory language of President Clinton's budget reconciliation bill, now in a House-Senate conference, is a little noticed provision that would surprise many estate beneficiaries. The measure would unfairly impose a rate increase in estate, gift and generation-skipping taxes that would be retroactive to Jan. 1.

The proposed increase, which would raise the top rate from 50 percent to 55 percent, would hit many estates and beneficiaries, including many owners of family-owned businesses and farms.

Certainty and predictability, important virtues of a tax system, are especially important in estate taxes. Estate plans are usually designed taking into consideration anticipated tax consequences and cannot be altered following death—regardless of any retroactive change in the law.

Consider a man who wishes to provide equality for the children of his first and second marriages. He intends to leave his major asset, stock in the family business, to his son from his first marriage. He also intends to leave an equal provision to the children of his second marriage through life insurance. In January, he writes a will leaving the stock to his son and indicating that the estate taxes will be paid entirely from his son's share. He then buys a life insurance policy, payable to the other children, equal to the value of the stock after payment of taxes. The father dies later that month. If the estate taxes are raised retroactively, his intention to treat his children equally is defeated—the son will pay increased taxes and receive far less than his siblings.

The proposed change is a radical departure from tradition: No retractive change has been imposed since the estate tax was enacted in 1916. As Commissioner of Internal Revenue, I was scolded several times by members of Congress who insisted that retroactive changes should not be allowed under any circumstances.

When I testified at a Senate finance subcommittee hearing in February 1992, Senator David Pryor, Democrat of Arkansas, questioned the appropriateness of retroactive tax regulations. "One of the more disturbing trends that I see in the Federal system is the tendency to move toward more . . . retroactivity," he said. "I do not think it is justified. I do not think it is fair. In fact, I do not even think it is legal." The Senator had a good point. Congress should heed it.

It is remarkable that Congress would consider enacting a retroactive tax increase at the same time that there is legislation with strong support in the Senate and House that would, with few exceptions, deny the Treasury Department the power to apply tax regulations retroactively. That legislation is part of the Taxpayer Bill of Rights, which passed both houses last year but was vetoed by President George Bush.

If, last year members of Congress found it inappropriate for the Treasury to issue retroactive regulations that merely interpret Federal law, how can they now justify making retroactive changes in the law itself?

They should follow the lead of every previous Congress that has considered the issue and change the budget reconciliation bill so that it imposes the rate increase only on the estates of those who die after it becomes law.•

PRAISING THE ARREST OF SKINHEADS IN LOS ANGELES

• Mr. SIMON. Mr. President, hate crimes and acts of bigotry are tearing this Nation apart. Sadly, those who believe in racial and ethnic superiority continue to spread their hateful message through acts of sheer terror. This was recently illustrated by an Anti-Defamation League report which showed a rise in hate crimes committed by neo-Nazi skinheads. These ignorant and cowardly acts must be strongly and swiftly countered by law enforcement agencies throughout the country.

Today, I applaud the outstanding work performed by numerous agencies, including the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms, as well as numerous branches of the Los Angeles law enforcement community. In a coordinated effort, these talented and dedicated agents were able to infiltrate a number of Los Angeles area white supremacist hate groups.

The efforts of these courageous individuals led to the arrest of eight people on charges ranging from illegal weapons possession to conspiracy to manufacture pipe bombs to attack an African-American church in Los Angeles. These arrests may have saved countless innocent lives, and they send a strong message that such activity will not be tolerated, and those who fail to heed these warnings must be aware that they will be punished to the fullest extent of the law.

Our Nation owes a tremendous amount of gratitude to the agents and officers involved with the investigation, infiltration, and ultimate arrest of these individuals.•

PROJECT FUTURE FORCE

• Mr. DECONCINI. Mr. President, my deep commitment to combating juvenile justice prompts me to call to the attention of my colleagues a new program that brings law enforcement, business, school and community leaders together on behalf of children from at-risk environments. The program is Project Future Force and this week, in the high country of northern Arizona, it has brought together more than 100 youngsters to a special camp run by deputies and detention officers from one of Arizona's major law enforcement agencies—the Maricopa County sheriff's office.

At the camp, fourth- and fifth-grade boys and girls are engaging in activities designed to promote the values of family, community, and school over the negative pressures that can lead to drug abuse, gang activity, violent crime, and failure to complete a basic education. Camp participants include children from barrios, poor rural communities, and schools throughout the greater Phoenix area in which the Maricopa County sheriff's office conducts D.A.R.E. [Drug Abuse Resistance Education] programs. They are children who have not yet been in trouble, but who have been identified by sheriff's

D.A.R.E. officers and school teachers as youngsters facing serious risks. Activities to encourage self esteem, goal setting, conflict resolution, and team involvement are part of the camp's agenda. This week's program also includes sports, fishing, hiking, and other activities under supervision of sheriff's personnel. Yet, the camp is only one component of the Project Future Force concept.

With backing from the Sheriff's Youth Assistance Foundation and one of the Nation's leading public power and water utilities, the Salt River project, Project Future Force offers ongoing support and guidance to its participants. Through the fourth and fifth grade, deputies will meet weekly with individual youngsters and serve as advisers and leaders on Project Future Force outing to local museums, parks, sports events, and cultural sites. At the sixth grade, participants will be enrolled in formal D.A.R.E. courses, invited to become peer leaders to younger children and encouraged to enroll in career mentoring programs at the junior high and high school levels.

Behind Project Future Force is the view that early intervention and prevention are preferable by far to prosecution and detention. The program also takes the view that powerful community partnerships, not piecemeal endeavors, are needed to help today's youth overcome serious challenges and difficulties. In this vein, the sheriff's office and Salt River project deserve high commendations for their vision and commitment to creating a major community partnership on behalf of young people. With continued commitment and support, Project Future Force promises to become a model program for central Arizona and other communities around the Nation.•

NEW LEADERSHIP AT THE ACLU WASHINGTON OFFICE

• Mr. SIMON. Mr. President, I would like to include in the RECORD an article from the Los Angeles Daily Journal about Laura Murphy Lee. Ms. Lee became director of the Washington office of the American Civil Liberties Union on February 1 of this year. She has had a distinguished career thus far, and I am confident that she will do an excellent job in this important position. I ask that this article be printed in full in the RECORD in its entirety.

The article follows:

[From the Los Angeles Daily Journal, May 17, 1993]

LOBBYIST PLANS FOR NEW ROLE

(By Charley Roberts)

WASHINGTON.—The view out Laura Murphy Lee's window is a constant reminder of the challenges she faces in her new role.

Across the street from her second-floor office is what was once the home of Hiram Johnson, the senator from California from 1917 to 1945, stands the shimmering white marble temple of the U.S. Supreme Court.

Lee, who became director of the Washington office of the American Civil Liberties Union on Feb. 1, says the seemingly beautiful view makes her "sad."

That's because it reminds her that Justice Thurgood Marshall and William J. Brennan are no longer on the court.

"I wonder what the court will do to us now," she said.

Already, a Jan. 27, 1992, ruling—rendered by the court six months after Marshall retired—has created work for Lee as the ACLU's new chief lobbyist.

One of Lee's top priorities is to have Congress overturn the court's 6–3 decision in *Presley v. Etowah County Commission*, 92 Daily Journal D.A.R. 711.

In *Presley*, the court held that changes made by county commissioners regarding the distribution of power are not subject to prior approval by the Justice Department under Section 5 of the Voting Rights Act.

The case grew out of a federal court challenge in Alabama to the at-large election of county commissioners. Under a consent decree, the number of Etowah County commissioners was increased from five to six, to be elected by district.

In 1986, after the first black member since Reconstruction and a new white member were elected, the commission transferred control over county road and bridge maintenance in all six districts to the four white commissioners who had previously exercised this authority in their individual districts.

Lee said if this decision is allowed to stand, it could provide a loophole in the Voting Rights Act for local government entities seeking noncompliance.

'COMFORTABLE WITH CONFRONTATION'

While having to re-fight legislative battles to recoup earlier gains annoys her, Lee, who is separated and has a 3-year-old son, doesn't shrink from the test of wills ahead.

"This is the type of organization where I belong," she said. "I'm comfortable with confrontation and challenge."

In fact, she seems drawn to such situations.

As a teen in the late 1960s, Lee refused to recite the pledge of allegiance in junior high school in racially divided Baltimore. She didn't believe its message of "liberty and justice for all" was relevant to her as a black female.

"I'm willing to say the pledge today," Lee added, "because things have changed."

When the school tried to expel her, she fought back and won. This was no youthful rebellion against adult authority, however. It was a political and social statement born of experience.

"I come from a politically active family," she explained.

ACTIVIST ROOTS

Her father is a lawyer who later became a judge. Her mother is a social worker. Both are activists in Baltimore's black community.

Lee, the youngest of five children in the Murphy family, became an activist at an early age. During the civil unrest after Martin Luther King Jr.'s assassination, she worked the telephones while her parents went out into the community to help get people released from custody.

Later, when a brother encouraged her to seek admission to Ivy League universities, a white high school counselor ridiculed the notion and urged her to apply exclusively to predominantly black colleges. Offended, Lee won acceptance to three Ivy League schools and chose Wellesley College, an all-female bastion of wealth and privilege.

After graduating in 1976, she put aside plans to go to law school to join the staff of Rep. Parren J. Mitchell, D-Md., a family friend and brother of the late Clarence Mitchell, the legendary Washington Lobbyist for the NAACP.

"My father is still disappointed I didn't go to law school," she said, "but I couldn't wait. Mitchell offered me a chance to make things happen."

The following year, Lee became legislative assistant to Rep. Shirley Chisholm, D-N.Y., who was the first black woman candidate for president.

JOINED ACLU IN 1979

Lee joined the ACLU national staff as a congressional lobbyist in 1979. Over the next four years, she worked on various issues, but she said the high point of her tenure was the renewal and revision of the Voting Rights Act.

As finally adopted, the Voting Rights Amendments of 1982 extended the enforcement provisions of the landmark 1965 act that required preclearance of any changes in election laws in states with a history of discrimination. It also extended the bilingual ballot requirements first adopted in 1975 and established new procedures for states to win release from preclearance.

Additionally, it overturned a 1980 Supreme Court decision that had increased the plaintiff's burden of proof in voting rights cases.

"She demonstrated a real understanding of the complexities of the law," said Laughlin McDonald, director of the ACLU's Southern Regional office, who worked closely with Lee on the amendments.

Lee also demonstrated coolness under fire.

Antonia Hernandez, then a lobbyist for the Mexican American Legal Defense and Educational Fund, recalls attending a meeting where an arch-conservative congressman made anti-Latino comments.

"He was very condescending," remembers Hernandez, who is now president and general counsel of Los Angeles-based MALDEF. "But the reaction of Laura was to carry forward bilingual issues, my issues, and allow me to bring in other issues."

In addition, Hernandez said, Lee is "charming and one hell of a loyal friend."

BRINGS PEOPLE TOGETHER

"She is a good human being with a real sense of balance," Hernandez said. "She doesn't take herself too seriously. Laura is one of those unique individuals who transcends gender. She brings people together. She has a personality that brings out the best in people."

Lee also vividly recalls the incident with the lawmaker.

"That's the closest I have ever come to cussing out a congressman," she said. "But the day I do that is the day I quit."

In 1983, Lee moved to Los Angeles to become director of development for the ACLU Foundation of Southern California.

Ramona Ripston, Southern California ACLU's chief executive, remembers Lee as hard working with impressive people skills. She also recalls that Lee succeeded in meeting the foundation's fund-raising goal that year.

Lee joined a Los Angeles public relations firm, Mixner/Scott, Inc., in 1984. David Mixner is President Clinton's liaison to the homosexual community.

From 1986 to 1987, Lee headed the Southern California office of Assembly Speaker Willie L. Brown, Jr., D-San Francisco. Brown also recruited her to be national finance director for Jesse Jackson's presidential campaign in 1987–88.

Lee was recruited by District of Columbia Mayor Sharon Pratt Kelly in 1991 to establish and run a D.C. Office of Tourism and Promotion. Lee said she was taken aback when Kelly first proposed the idea. But she said she changed her mind for three reasons: Kelly represents change. Tourism is the capital city's number one private industry. And the job rounded out Lee's experience in all three levels of government—federal, state and local.

"PERFECT MATCH"

Although happy in that post, Lee said she jumped at the chance to head the ACLU's Washington office because it presented a perfect match with her interests and skills.

Since then, Lee and her staff have been extremely busy because, with the election of a Democratic president, groups like the ACLU suddenly have access to executive branch officials for the first time in 12 years.

However, that doesn't mean she expects to find an ideological soul mate in the White House.

"I hope that Clinton will be better than Reagan and Bush," she said warily.

The first test may come on an omnibus anti-crime bill, Clinton supports capital punishment, and the ACLU opposes it. The bill, like last year's, is expected to make the death penalty available for some 50 federal offenses. It also is expected to address the exclusionary rule and habeas corpus reform. The ACLU is opposed to extending the good-faith exception to warrantless searches and to curtailing post-conviction collateral appeals.

Clinton's new attorney general, Janet Reno, testified at her confirmation hearing in favor of reducing delays in capital cases caused by habeas appeals. However, she said competent counsel need to be provided at all proceedings.

The ACLU advocates requiring competency standards and adequate compensation for court-appointed lawyers in death-penalty cases. The ACLU also is active on privacy, abortion and free-speech issues.●

CENTENNIAL CELEBRATION, NOGALES, AZ

● Mr. McCAIN. Mr. President, I was extremely pleased to hear from Nogales, AZ, of its centennial celebration of the incorporation of this fair city. I would like to congratulate Nogales on this achievement.

Nogales, AZ, has blossomed from a tiny community in 1893 to its present population of 20,000-plus. The growth, not only in population, but in the construction of homes and businesses, speaks so well of the commitment and dedication of those responsible for its progress. Mr. President, I would like the Senate to take note of the great city of Nogales and all that has been achieved there.

Mr. President, again my heartfelt congratulations to all the residents and civic leaders of Nogales for the first 100 years as a true American community and on the next 100 years.●

EARLY GANG PREVENTION CENTERS

● Mr. SIMON. Mr. President, last year's reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 was an important step in focusing attention on our youth at risk. Adequate funding for the act is the next crucial step.

Last Congress, I introduced legislation to establish early gang prevention centers which would specifically target children at the elementary school level who are seriously thinking of gang membership. This program builds on my earlier efforts to address the gang problem, the Gang Prevention Grant Program, which became law in 1988. The success of programs funded under this effort pointed out two things: We desperately need to continue working with youth involved with gangs and, we must also broaden our focus to include effective prevention for younger children.

I was pleased when my early gang prevention center legislation passed as part of the reauthorization of the Juvenile Justice Act. Part D of that act allows the Administrator to make grants and to support programs for a wide array of anitgang efforts in schools and communities. While I am pleased to see the attention now given to the gang problem, I feel strongly that programs to target at-risk youth are the best answer to the gang problem. We must concentrate on prevention. We must educate our youth to let them understand that gangs are a dead end. They need support to resist gang membership, as well as alternatives that allow them to pursue healthy avenues for their lives.

It is crucial to focus our energies toward targeting at-risk elementary school children. While I certainly recognize the extent of gang violence in America and the need for programs to address all aspects of this problem, I very much hope that in funding antigang programs, the Administrator will focus on prevention programs for elementary school children.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE GOOD BUSINESS CLIMATE IN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, a very complimentary article appeared in the Los Angeles Times concerning the business climate in my home State of South Dakota. South Dakota has attracted a lot of industry and new businesses by having no State income tax, no State corporate tax, and no special franchise taxes on small business. Our State depends heavily on small business, and we have been doing well in attracting new small businesses. Several newspapers and magazines have written about the enormous economic opportunities in South Dakota and now the Los Angeles Times has published a lengthy article about why several California firms are moving to South Dakota, further proof that South Dakota offers a good climate for entrepreneurship and economic development.

THE ESSENTIAL AIR SERVICE PROGRAM

Mr. PRESSLER. Mr. President, today I rise to discuss a topic that is certainly not new to this body—the Essential Air Service [EAS] Program.

The House Appropriations Committee recently eliminated all funding for the EAS program. As my colleagues know, the termination action by the House is not an unprecedented event. The U.S. Senate previously has had to restore funding for this vital program.

I speak today on behalf of South Dakotans and small rural communities all across the Nation. Airline attendants and executives, pilots and passengers have expressed concern over the possible termination of EAS. Their concern is well founded. Elimination of the EAS program could devastate numerous local economies across the country.

Mr. President, I voted against airline deregulation in 1978 when I was a Member of the House of Representatives. I had specific concerns back then about the effect of a deregulated airline industry on rural and small cities. These concerns have become realities in the years since the Airline Deregulation Act was enacted.

Before deregulation, the traveling public was accustomed to modern equipment and convenient scheduling and route structures. Rural communities quickly learned, however, that postderegulation environment meant small airplanes, limited schedules, and inconvenient routes. Delays and cancellations characterized the airline industry in the early 1980's. Air travelers had to pay hundreds of dollars more to travel from a local airport rather than from a larger airport. In some cases, South Dakotans actually had to pay more to travel within the State than to a foreign country.

In 1988, Congress decided to continue the EAS program for another 10 years. Now, with 5 years of authorization remaining in this vital program, the House Appropriations Committee has opted to eliminate essential air transportation funding from all communities presently receiving assistance. Is this action fair? No, it is not fair.

Thousands of constituents in South Dakota and surrounding States have contacted me to say, "Cut Spending First." Mr. President, these people are

not talking about slashing the relatively small and inexpensive $38 million Essential Air Service Program. The Senate must remember that this program is, as its name indicates, essential to the economic development of numerous communities across our Nation.

Think back to the early 1960's. Government subsidies for air services peaked at $83 million in 1963. That was nearly 2½ times the amount appropriated annually from 1988 through 1998. Mr. President, the Essential Air Service Program is heading in the right direction. The House Appropriations Committee, in moving to eliminate EAS funding, is heading in the wrong direction.

Since the airline deregulation process began in 1978, small community air services have had numerous difficulties trying to maintain quality air transportation. Huron, SD, is an excellent example of a community providing air service in rural areas.

The Huron air service area covers a region 600 times larger than Washington, DC, yet it contains only a small percentage of Washington, DC's population. There are about 55,000 people in eastern South Dakota who are served by Huron's airport. As a result, the consumer base surrounding Huron clearly is not large enough to adequately fund an air carrier operating from the area. These same complications can be observed in the South Dakota communities of Brookings, Mitchell, and Yankton. Nonetheless, with assistance through EAS, air service from these four vital communities certainly is a major player in South Dakota's economy.

South Dakota has tried to diversify its economy beyond its traditional agricultural base. We have worked to expand and attract numerous industries. Huron, again, is a perfect example. During the past 2 years, Huron has added more jobs than in the previous 10-year period. The long-term loss or severe degradation of air service would affect seriously future economic development opportunities for Huron and other South Dakota communities. Further, a recent study of Fortune 500 companies indicates that 80 percent of those companies would not consider locating in a city without good air service.

Mr. President, I recognize that the EAS Program was enacted in 1978 to be a transition program providing an opportunity for air service from small communities to overcome the uncertainty of deregulation and to achieve prosperity in the future. The situation, however, is not that simple. Many communities must continue to receive such assistance in order to survive. Mr. President, in 1988, Congress made a 10-year pact with the American people to provide EAS assistance to smaller communities. Taking this funding away now would be unjust and unfair.

Mr. President, many problems are currently affecting the airline industry. Some suggested solutions for improving the industry include: Congress should continue EAS funding for communities currently receiving assistance. There should be no reduction in funding from this program unless appropriate measures are taken to reduce an air service's dependence on Federal assistance. Likewise, a structured commercial air service designed to remove the necessity of any EAS subsidy should be implemented. Government should provide guidance to all small communities. We need to emphasize programs, such as code-sharing between an air carrier and a local air service, as a means for rural airports to succeed.

Furthermore, specific Federal rules and regulations presently hinder the operations of airports like the one in Huron. For instance, passengers from Huron are required to travel through other South Dakota cities like Mitchell and Brookings before reaching Minneapolis. Long delays and layovers like these chase consumers away from rural airports.

The Senate once again is in a position to save the EAS Program. I invite my colleagues to support communities in the 35-States that need the EAS Program to ensure continued economic diversification and development. Mr. President, the cost of this vital program is small, but the economic return on this public investment is enormous.

TELECOMMUNICATIONS INFRASTRUCTURE ACT OF 1993

Mr. PRESSLER. Mr. President, today I would like to discuss a significant legislative initiative designed to accelerate private investment in our Nation's telecommunications networks—S. 1086, the Telecommunications Infrastructure Act of 1993. First, I commend the distinguished ranking member of the Commerce Committee, Senator DANFORTH, and the distinguished chairman of the Communications Subcommittee, Senator INOUYE, for their outstanding leadership. S. 1086 is a tribute to their bipartisan cooperation and tireless efforts to craft legislation in a complicated area. It is a good start.

Infrastructure surely is the buzzword of the 1990's. Traditionally, the term primarily was used to describe our transportation networks—moving people and products. Today the word infrastructure more often refers to cable, phone, and satellite networks transporting information and ideas at the speed of light. Every week seems to bring another major newspaper or magazine article describing how the information superhighway will revolutionize our lives. Advanced telecommunications networks promise to change the way we work, educate our children, provide health care, and spend our leisure time. Who will deliver these new services? Every day seems to reveal another strategic alliance between multibillion-dollar companies seeking to spearhead the delivery of services over the information superhighway.

The convergence of computers, telecommunications, and video technology is quickly outpacing our existing regulatory framework. Policies designed for disparate industries do not seem to make sense if multiple providers can offer competing services. Yesterday's rules are not likely to hasten delivery of tomorrow's services. In fact, the legal status quo is a formidable barrier to technological development. Congress has an opportunity to frame a policy for accelerating investment in the information superhighway. Our challenge is to ensure all Americans have access to an on-ramp.

Universal service always has been the touchstone for this Nation's telecommunications policy. Both Federal and State policymakers have tried to ensure that the benefits of communications technology are available to all citizens. As Congress develops policies to encourage further modernization of our telecommunications networks, we should ensure that improvements will be shared by all. We should upgrade the entire network. We should not create a two-tiered system of haves and have-nots.

S. 1086 is designed to stimulate private investment in our Nation's telecommunications networks in two significant ways. First, the proposal would open the local loop by permitting potential competitors, such as competitive access providers and cable television operators, to interconnect with the local telephone network. Second, it would remove the existing ban on telephone company operation of cable service within the telephone company's own service area.

Recent history shows that competition has spurred infrastructure investment in other sectors of the telecommunications market. For example, faced with stiff competition in the long distance market, AT&T accelerated optical fiber deployment and wrote off billions of dollars in older plant. Similarly, the opportunity to provide new services has encouraged new technologies. For example, Bell telephone company joint ventures in the United Kingdom pioneered delivery of telephone services over cable systems.

Although S. 1086 relies primarily on competition to bring new technologies and services to the consumer marketplace, it anticipates the limitations of market forces in particular circumstances. First, the proposal addresses the need to ensure that competition does not endanger universal service. All carriers would be required

to contribute to the universal availability of affordable phone service. Second, the bill acknowledges that competition alone may not bring the benefits of new technologies to rural markets. Third, the proposal anticipates that telephone company dominance in the local telephone market may require certain safeguards. For example, S. 1086 would require a separate subsidiary for a telephone company's cable operations and for a Bell Co.'s electronic publishing services. It also would require other safeguards designed to prevent cross-subsidization and discrimination.

We need to examine carefully what effect local competition will have on universal service and the availability of advanced telecommunications services in small cities, towns, and rural areas. I am concerned with access to affordable phone service. I care about the quality and diversity of services available in small States like South Dakota. If access to the information superhighway becomes an essential means of fully participating in society, we may need to redefine universal service.

Earlier this year I joined my distinguished colleagues, Senator GRASSLEY and Senator EXON, as an original cosponsor of S. 570, the Local Exchange Infrastructure Modernization Act of 1993. This bill is designed to guarantee that small, local telephone companies will have access to new information services and technologies. I am pleased that my distinguished colleagues, Senator DANFORTH and Senator INOUYE, have included some similar infrastructure sharing provisions in their legislation.

S. 1086 would require the Federal Commuunications Commission (FCC) to ensure that local telephone companies in the same geographic area engage in joint coordinated planning and design of the telephone network. S. 1086 also would require the FCC and State regulators to ensure that rural customers obtain access to high-quality telecommunications services. I support these goals.

Mr. President, I congratulate my distinguished colleagues, Senator DANFORTH and Senator INOUYE, for their work on this proposal, and pledge my support to work with them to improve it. The distinguished ranking member and the distinguished chairman recognize that this legislation is a work in progress. We all know it raises many controversial policy issues. As I stated, I am particularly concerned about the universal service provisions and rural area protections. All consumers, regardless of location, should look forward to the benefits to competition and technological ingenuity.

In conclusion, we continue to hear there are many great technological innovations. We read article after article in the weekly news magazines and daily newspapers about the future telecommunications infrastructure and the information superhighway, but the fact is that we are paralyzed by inaction. We are paralyzed because we cannot decide who is going to do what. We have to start addressing some of these issues.

This is what Senator DANFORTH and Senator INOUYE are working to accomplish. Everyone will have to compromise and negotiate, if we are going to accomplish any changes. Otherwise, we are going to be frozen in indecision. Without action all these new, advanced technologies will not be available to the American people.

NIGERIA

Mr. PRESSLER. Mr. President, last April I traveled to eight African countries: Senegal, Cameroon, Kenya, Uganda, Central African Republic, Congo, Mauritania, and Nigeria. I returned from my travels with hope—hope for the future, particularly for the future of democracy in Nigeria. Its military leader, Gen. Ibrahim Babangida, had promised an end to military rule. Nigeria holds a key position on the African Continent. With more than 88.5 million people, Nigeria is Africa's most populous nation. With numerous opportunities for economic and social progress, Nigeria's potential as a role model for other African countries is indisputable. However, that can not occur unless democracy is realized.

Democracy is not the norm in Nigeria. It has been ruled by military dictators for 24 of the 33 years since its independence from Britain in 1960. It appeared that Nigeria was moving constructively toward independence from military rule. Originally, according to a timetable established by General Babangida himself in 1987, the military was scheduled to relinquish power to elected civilian officials by 1990. Since then, local and state government elections have been held and state and national legislatures have been successfully established. Elected civilian leadership appeared on the horizon. On June 12, Presidential elections were held. It appeared Moshood Abiola of the Social Democratic Party (SDP) would emerge victorious over Bashir Tofa of the National Republican Convention (NRC). However, it was not to be: a national court barred the release of election results due to a lawsuit initiated by Babangida's supporters. Not long after, General Babangida declared the election null and void—the third time General Babangida has obstructed Nigeria's quest for an elected leader.

There is a small faction in Nigeria that wishes Babangida to remain in power. However, the general must respect the wishes of the large number of Nigerians who cast their ballots for a civilian leader. Mr. President, the people of Nigeria fervently desire a democratically elected government. They want a say in the governance of their country. Where is the proof of that? The proof was demonstrated by the thousands of Nigerians who voted for democracy. Negatively, the proof was shown by thousands of students who rioted in the streets of Lagos. The situation is intensifying each and every day. Tens of thousands of people have set fires and erected barricades. Violent confrontations between police and rioting civilians have resulted in a number of Nigerians being killed. These people risked their lives in the name of democracy. If progress toward democracy remains impeded, we should consider reassessing our policies and our financial support for Nigeria.

General Babangida should allow the democratic process to function freely. He should allow the voters to speak for themselves. It should not be democracy at his discretion. It should not be majority rule by minority will. While visiting Abuja, Nigeria's new capital, our delegation was assured by Chief Ernest Shonekan, chairman of the transition council, that General Babangida was resolutely committed to completing the transition to civilian rule. I must say that upon my return I was hopeful Nigeria was truly on the road toward democracy and an end to 24 years of military rule. I sincerely hope General Babangida's future actions soon will disprove allegations that he is stalling the progress of democracy in order to remain in power. General Babangida and all his military officials must prove their commitment to the transition to civilian rule. Further attempts to block the fulfillment of democracy could thrust the country into anarchy.

Therefore, I strongly urge General Babangida to adhere to his own timetable and facilitate the swearing in of a democratically elected President on August 27. In response to his annulment of the June 12 election, President Clinton reduced assistance by roughly $1 million, and expelled Nigeria's military attaché here in Washington. Other tough measures could be taken if General Babangida continues to pay nothing more than lip service to democracy. Such measures would be most unfortunate but necessary.

Mr. President, this year alone, Burundi, Eritrea, Lesotho, Madagascar, Malawi, and Niger have conducted internationally supervised elections and referendums. However, Nigeria, a nation of enormous potential, once again has stalled on the road to democracy. This of all African countries has the potential to succeed. I hope that August 27, 1993, will be a day to celebrate Nigerian democracy. Now is the time for General Babangida to restore legitimacy to the Nigerian State.

Mr. President, in summary, my visit to Nigeria with Senator SPECTER was a very interesting experience but also very sad in some ways, because here

you have a country with such enormous potential, where gasoline is sold for a few cents a gallon on the streets because of government subsidies, where the people want to have elections, where they were having the party conventions, and yet the elections were canceled.

All the countries we visited—we visited eight countries across Central Africa, starting in Senegal, and then to Kenya and going all the way back to Nigeria including the Central African Republic, Cameroon, Congo, Uganda, Kenya, and Mauritania—they were all a disappointment in terms of the development of democracy, except for Uganda, where the President, Yoweri Museveni, is trying hard to put democratic institutions in place. All the others, it is my judgment, except maybe the Congo, have kleptocratic governments; that is, governments that are stealing from the people. I believe, these government leaders get into power and their idea is to stay in power and to steal as much as possible.

I was told by our Foreign Service officers in the various stops we made that a number of African people were amazed at the transition of power from George Bush to Bill Clinton. In one country, the USIA representatives called in several local citizens to watch President Clinton's inauguration on TV. This transition is amazing to many people in Africa, because none of their leaders ever give up power.

That is what is happening in Nigeria. General Babingida just will not give up power. We should use our AID figures to influence democratic change as President Clinton has done. I commend President Clinton for his action. We also should threaten to use our influence with the international monetary organizations and elsewhere to insist on democracy in these countries.

But my great concern is that many countries in Africa currently are going backwards rather than forwards in terms of democratization. I wish that were not my assessment. But what is happening in Nigeria is another example of why that is so.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—S. 919

Mr. DECONCINI. Mr. President, I ask unanimous consent that, when the Senate resumes consideration on Wednesday, July 28, of S. 919, the national service bill, Senator KENNEDY be recognized to offer a substitute amendment; that a cloture motion filed on this amendment mature on Thursday, July 29, with the vote occurring at a time to be determined by the majority leader, after consultation with the Republican leader, with the mandatory live quorum being waived; and that the cloture motion filed on the committee substitute be vitiated.

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

ORDERS FOR WEDNESDAY, JULY 28, 1993

Mr. DECONCINI. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 a.m., Wednesday, July 28; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a time for morning business, not to extend beyond 11:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified and in the order listed, if present:

Senator MURKOWSKI for up to 30 minutes, Senator DORGAN for up to 10 minutes, Senator MITCHELL or his designee for up to 30 minutes, Senator WALLOP or his designee for up to 1 hour, Senator HOLLINGS for up to 30 minutes, and Senator GRASSLEY for up to 10 minutes; that at 11:15 a.m., the Senate immediately resume consideration of H.R. 2519, the State, Justice, Commerce appropriations bill.

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

RECESS UNTIL 8 A.M. TOMORROW

Mr. DECONCINI. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:51 p.m., recessed until Wednesday, July 28, 1993, at 8 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 27, 1993:

DEPARTMENT OF ENERGY

ROBERT RIGGS NORDHAUS, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.