SENATE—*Tuesday, March 16, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

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

Let us pray:

Eternal God, Your Word declares, "Righteousness exalteth a nation: but sin is a reproach to any people." (Proverbs 14:34)

In the Bible, righteousness and justice are synonymous. There is no justice without righteousness, and no righteousness without justice. Grant to leadership the insight that the reason for ethical decay and moral rot is rooted in the spiritual. When transcendent truth is ignored, the social order collapses, and there is no legislation—not even the perfect law of God—powerful enough to correct cultural disintegration.

Gracious God, help us to take spiritual reality seriously. Renew us in the faith of our fathers which produced our great Nation, to the glory of God and for the sake of the moral order.

In Jesus' name. Amen.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each, and with certain special orders for Messrs. GRASSLEY, GRAMM, ROBB, and LAUTENBERG.

Under the order previously entered, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 586 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY and Mr. DECONCINI pertaining to the introduction of S. 585 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Washington is recognized for not to exceed 5 minutes.

WASHINGTON AGRICULTURE

Mr. GORTON. Mr. President, during this week dedicated to American agriculture I should like to honor the State of Washington's 37,000 farmers and ranchers and their families. I am proud to say that our farmers lead the Nation in the production of 11 commodities. They rank in the top 10 States in an additional 18 separate commodities. In 1991, these commodities were worth a record $4.8 billion at the farm gate and the value-added contribution to the State's economy was $20 billion.

As you travel our State it is impossible not to see our farmers in action. Trees laden with sweet cherries, pears, and apples are grown from Okanogan County to the Yakima Valley. Red raspberries range from Bellingham to Vancouver. Golden wheat fields stretch across eastern Washington. Orchards of vines laden with clusters of grapes are destined for our award-winning wineries. Dairy farms and cattle ranches, along with fields of hops, potatoes, asparagus, carrots, and green peas dot our landscape from border to border.

Washington State has long been known for its agricultural abundance and diversity of crops, not only nationwide, but worldwide. On average, 1 farmer or rancher provides food and fiber for 128 people—94 in the United States and 34 in other countries. About 25 percent of Washington State's crops are sold inside the State, approximately 50 percent of the crops are sold to consumers nationwide, and around 25 percent go into the international marketplace.

Mr. President, I commend these hardworking farmers and ranchers and their families for helping to feed people in the State, the Nation, and the world.

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

The PRESIDENT pro tempore. A point of no quorum having been made, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. ROTH] is recognized for not to exceed 5 minutes.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 587 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. LEAHY] is recognized for not to exceed 5 minutes.

Mr. LEAHY. I thank the Chair.

THE TRUTH IN EL SALVADOR

Mr. LEAHY. Mr. President, over a dozen years have passed since Archbishop Oscar Romero was killed by an assassin's bullet as he was saying mass in a chapel in San Salvador. Since then, in a civil war of unspeakable brutality, an estimated 75,000 Salvadorans died, often after being terribly and horribly tortured. Over 40,000 were defenseless civilians.

Throughout this period, in pursuit of a policy eerily reminiscent of the Vietnam war, the United States poured over $6 billion in aid into that tiny country, including equipping and training the armed forces. With our support, the Salvadoran Army, National Guard, Treasury Police, and other units that together made up the security forces, grew from 12,000 to over 50,000 troops and became known as among the most ruthless in the hemisphere. They were a force unto themselves, virtually immune from accountability, led by an elitist officer corps that was possessed by a messianic anti-Communist zeal that justified everything from death squads to institutionalized corruption.

Over the years, I and others urged the Reagan and Bush administrations to hold the Salvadoran security forces accountable for these atrocities. At

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first, we were told that the abuses did not happen. The 1981 El Mozote massacre, when the infamous U.S.-trained Atlacatl Battalion mercilously slaughtered hundreds of villagers, including children, never happened, according to the American Ambassador and Assistant Secretary Thomas Enders at the time.

But skeletons do not lie, and we now know the gruesome truth. There is even evidence that at the time our Ambassador was told by his own staff that something terrible had happened at El Mozote, but chose to ignore it. Why? Because if we admitted it happened it would complicate the task of winning support in Congress for more aid, more tax dollars to go down to support these killers, these thugs, these murderers. That choice, of the means justifying the ends, was replayed countless times over the next decade.

Ten years later, when six Jesuit priests, their housekeeper and her daughter, were murdered by the same Atlacatl Battalion, the Salvadoran High Command said, of course, it was not them. It was the FMLN. The Embassy, either still too blind or ignorant or malicious to accept it, ignored the truth. Now we find the Minister of Defense, gave the deadly orders and then conspired to cover it up.

Even then, when there were finally enough votes to cut the flow of military aid, the administration continued to argue that without our aid the Salvadoran military would do even worse things, forgetting, or ignoring, that it was the soldiers we trained who had committed these atrocities.

Can you imagine? Send more tax dollars to these murderers because if we do not, they will commit more murders than they commit with our tax dollars. What an Alice in Wonderland excuse for a foreign policy.

I have lost count of the number of letters I received over the years from various government officials, both American and Salvadoran, denying what so many people knew to be the truth.

The truth. That crucial element that was conspicuously lacking in our policy. Finally, we have it.

As part of the Salvadoran peace accords, signed by the Government and the FMLN under the auspices of the United Nations, the two sides agreed that a Truth Commission would be created to investigate unsolved human rights cases. The Salvadoran Government and the FMLN deserve praise for endorsing the principle of accountability for their violent past on which the Commission's investigation is based.

The Salvadoran people, especially the 2,000 brave witnesses who overcame their fear and came forward and gave testimony, deserve special recognition.

Several months ago, when it became clear that the Truth Commission's investigation was not going to be the whitewash some had assumed, the Cristiani government tried to stop publication of the names of those implicated in the report. When the U.N. Secretary General refused, the Government then urged that the names remain secret until after the 1994 elections. Again, the Secretary General insisted that the peace accords be honored.

Mr. President, the contribution of the United Nations in brokering and enforcing the Salvadoran peace accords cannot be overstated. Despite violations by both sides and countless other crises around the globe, the Secretary General and his representative worked tirelessly to keep the peace process on track.

Equally important, by ensuring that the names of those responsible for these crimes are known, the Secretary General has set in motion a process for putting this terrible chapter in El Salvador's history to rest. The people of that country can now decide who is entitled to the privilege of government service, who deserves the honor of military rank, and who should be accountable for their crimes.

The results of the Commission's investigation comes as no surprise to anyone who bothered to see and listen to what was happening in El Salvador. The Minister of Defense, Emilio Ponce, defiant to the end, saw the writing on the wall and resigned 3 days before the report became public. It is beyond a doubt that President Cristiani and the U.S. Embassy have known for months, if not years, of Ponce's involvement in the Jesuits' case and others, yet they continued to treat him with respect.

Other high ranking officers named in the report, who the Salvadoran people have feared for years, remain on the job today. They were named by the ad hoc Commission for removal, but President Cristiani, in open violation of the peace accords, still refuses to remove them. In early January, Senator DODD and I sent a letter to former Secretary of State Baker urging a suspension of all remaining military aid until the ad hoc Commission's recommendations are fully implemented. I am pleased that the Clinton administration has decided to do just that.

The FMLN commanders are also accused of pursuing a campaign of human rights violations, including hundreds of deaths and disappearances, and the assassinations of 11 civilian mayors and several U.S. servicemen.

The Commission also exposes the terrible toll carried out by military and rightwing death squads, paid for by the Salvadoran business elite, including some living in Miami during the early 1980's with little apparent attention from the United States Government.

President Cristiani has proposed an amnesty for those involved in atrocities, the majority of whom are from the Government's security forces. The Truth Commission calls for punishment, and recommends that certain FMLN and military personnel be barred from government service for at least 10 years. At the same time, it notes that the flawed Salvadoran justice system is incapable of carrying out punishment and suggests several important, and long overdue, reforms.

Mr. President, I want to congratulate the members of the Truth Commission, Belisario Bentancur, the former President of Colombia, Reinaldo Figueredo Planchard, the former Foreign Minister of Venezuela, and Thomas Buergenthal, professor of law at George Washington University. They have performed a service of enormous, and historic importance, which should be a model for other countries that are emerging from divisive civil conflicts. For countries like El Salvador that seek to put the trauma of war behind them, they must first go through the catharsis of facing the truth.

We should heed that same lesson. Year after year, we debated United States policy toward El Salvador on this floor. Year after year, I and others put into the RECORD the abundant evidence of atrocities by the Salvadoran military, and year after year we heard the denials and the long speeches about how they deserved our support. Rather than open their eyes, the proponents of aid attacked the integrity of the human rights groups that had gathered the evidence of abuses, often at great personal risk. The State Department lobbied hard for that aid, always citing the FMLN abuses, as they should have, but so often remaining tight-lipped about abuses linked to the military. Today, ignoring the 75,000 dead, it calls its policy a success.

No longer can they close their eyes. It was Roberto D'Aubuisson, founder of the ruling ARENA Party, who ordered the assassination of Archbishop Romero. It was the military that was responsible for the vast majority of the atrocities. And it was the officers who received our training who were among the worst offenders.

I give the State Department credit for pushing the Salvadoran Government toward a peace settlement in the final hours. But it was the Congress that showed the real courage 2 years ago by cutting the aid, and sending the message that we would no longer support any group of thugs who put on a uniform, call themselves the army, and go out and slaughter their own people.

I urge the Clinton administration to conduct a thorough review of the U.S. military training program so many of these officers received. Time and again, from Indonesia to Central America, defenders of the IMET Program have said it was needed to professionalize the armed forces of those countries. As chairman of the Foreign Operations Subcommittee I have begun to shift the focus of the IMET Program to

courses in human rights and military justice, and to train civilians in defense management. This is a first step, but I believe the IMET Program is in need of a major overhaul.

I also want to mention the Special Investigative Unit. The SIU is the United States-funded criminal investigative unit in El Salvador, staffed by military officers, that the State Department created to investigate the most serious human rights cases. In what has to be among most egregious perversions of our aid program there, we now have evidence that two of the SIU's commanders, who were supposed to be gathering evidence of abuses, aided in the coverup of the Jesuit murders. Two years ago I held up funding for the SIU until the Salvadoran Government provided a plan to remove it from the control of the military. Despite repeated promises, that plan never arrived.

Finally, just as the Truth Commission urges accountability for the Salvadorans who committed abuses or conspired to hide the truth, so should our own administration review the conduct of its officials. Those who had credible information about abuses but chose to look the other way, or claimed not to know or to shift the blame, should be held to account.

Mr. President, if there ever was a policy that lacked a moral foundation, where the means, no matter how repugnant, were seen to justify the ends, this was it. I urge all Senators, and the administration, especially those who embraced this policy, to read the Commission's report. Ask yourselves, when over the past dozen years should we have acted differently, or spoken out, rather than remain silent? If we can answer that question perhaps we can prevent the repetition of so much senseless suffering.

Mr. President, I ask unanimous consent that a summary of the Truth Commission's report, and a copy of Senator DODD's and my letter, be printed in the RECORD.

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

SUMMARY

INTRODUCTION

The Commission on the Truth (herein "Truth Commission") was so named because its very purpose and function have been to seek, find and make public the truth about the acts of violence committed by both sides in El Salvador during a civil war in which more than 75,000 Salvadorans were killed. This report attempts to set out, with detailed examples based on extensive testimony and investigation, responsibility for some of the worst and most widespread violations of human rights in El Salvador between 1980 and July 1991.

Peace is always made by those who have fought the war. With the support of the United Nations, the parties in conflict explicitly established this Commission and gave it its mandate under the peace accord. In so acting, the government of El Salvador and the guerrillas of the Farabundo Marti National Liberation Front (FMLN) abandoned fratricide and embraced the principle that the responsibility for acts of violence must be publicly recognized, that victims must be remembered and that the perpetrators must be identified.

This report is based also on the principle that individuals, even those caught up in the fury of civil war and the orders of superiors, are accountable for their actions. By committing themselves to remember the tragic violence of their recent past and by calling for accountability in their new national quest for peace, the Salvadoran people and their leaders have set a standard that offers hope in a world ravaged daily by newly terrible civil wars and gross abuses of human rights.

For their vision and their courage in embracing these ends, the government, the former guerrillas and the people of El Salvador deserve the praise and respect of the international community. The members of the Truth Commission believe that El Salvador's commitment to face the past will go far to strengthen the determination to find out the truth, to put an end to impunity and cover-up, and to encourage reconciliation by means of democratic processes instead of violence.

Bitter though the truth may prove to be in some cases, recognizing what happened in El Salvador is the first essential step to assuring that it will not happen again. For more than a decade a convulsion of violence seized El Salvador. The army, security forces and death squads linked to them committed massacres, sometimes of hundreds of people at a time. They also carried out targeted assassinations of many others, including the country's archbishop and six Jesuit priests.

The FMLN guerrillas also followed a logic of violence that led to grave human rights violations. They killed, kidnapped and disappeared civilians, dissidents within the rebel movement, public officials, mayors, judges and unarmed U.S. military personnel.

This outburst of violence has deep roots in a history of violence in El Salvador that permitted political opponents to be defined as enemies to be eliminated. A mentality of violence affected all sides in the war. It was reinforced by the lack of a credible judicial system. Such hatred, killing and acceptance of injustice must never again be allowed in El Salvador to destroy dialogue, tolerance, and reconciliation.

Truth alone, however, is not enough to attain the further goal of national reconciliation and reuniting the Salvadoran family. Forgiveness also is indispensable. The abuses and the pain inflicted on tens of thousands of people in El Salvador will not and should not be forgotten. It is the Commission's hope that the sense of justice that truth gives voice to, will in time help them to forgive.

By accepting the challenge of truth and of peace, the government and the former guerrillas in El Salvador have assumed a special responsibility. Salvadoran society—a society of sacrifice and hope—is watching them from the vantage point of history. The future of the nation summons them, a nation which is moving forward under the influence of one dominant idea: to lift itself out of the ruins in order to hold high, like a banner, the vision of its future. It is the Commission's hope that a more just El Salvador will arise from the ashes of a war in which all sides were unjust.

THE MANDATE AND METHODOLOGY OF THE TRUTH COMMISSION

The Commission was composed of three international notables selected by the Secretary General of the United Nations in consultation with the parties: Belisario Betancur, former president of Colombia; Reinaldo Figueredo Planchart, former foreign minister of Venezuela; and Thomas Buergenthal, Professor of Law, George Washington University.

The Commission was not established as a judicial body. Instead it was given six months under the terms of the Salvadoran peace accords to carry out four main tasks; to clarify the worst human rights abuses of the war by all sides; to study with special care the impunity with which the Salvadoran military and security forces committed abuses; to make legal, political or administrative recommendations to prevent a repeat of past abuses; and, finally, to stimulate national reconciliation. Both the guerrillas and the government committed themselves to carry out the Commission's recommendations.

In seeking, as mandated, the most thorough accounting possible of human rights abuses in the war, this report names the institutions and those individuals whom the Commission found responsible in the cases it studied.

The Commission received direct testimony from 2000 sources relating to 7000 victims and information from secondary sources relating to more than 18,000 victims. Given this amount of testimony, the Commission could only deal with a small portion of the thousands of abuses committed in the War. It chose to select a sample of cases that either reflected the most shocking events of the conflict or formed part of a broader, systematic pattern of abuse.

All witnesses who requested it, were guaranteed confidentiality to protect their lives and encourage frankness. Based on the number of corroborating accounts and other evidence in a particular case, the Commission used three levels of certainty in reaching its conclusion: overwhelming evidence, substantial evidence and sufficient evidence. Some cases could not be resolved. The testimony of a single witness or other single source, no matter who compelling, was deemed insufficient to make a judgment if not backed up by other evidence.

CASES STUDIES

Before addressing specific cases presented in the report, the Commission also provides a chronological overview of the history of violence from 1980 to 1991.

1. The killings of six Jesuit priests.
2. Extra-judicial killings:
San Francisco Guajoyo;
Six leaders of the Democratic Revolutionary Front;
Four American churchwomen;
El Junquillo;
Four Dutch journalists;
Attack on FMLN hospital and execution of a nurse;
Las Hojas;
San Sebastian;
Garcia Arandigoyen;
FENASTRAS and COMADRES;
Hector Oqueli.
3. Forced Disappearances:
Ventura and Mejia;
Rivas Hernandez;
Chan Chan and Massi.
4. Massacres of peasants by the army:
El Mozote;
Rio Sumpul;
El Calabozo.
5. Death Squad Killings:
Archbishop Oscar Arnulfo Romero;
Mario Zamora;
Tehuicho;

Killings of agrarian reform advisers at Sheraton Hotel.

6. Violence by the FMLN:

Murder of mayors;

Zona Rosa;

Herbert Ernesto Anaya Sanabria;

Napoleon Romero Garcia (Miguel Castellanos);

Francisco Peccorini Lettona;

Attorney General Jose Roberto Garcia Alvarado;

Jose Francisco Guerrero;

Two American survivors of a helicopter shot down by the FMLN;

Kidnapping of Ines Duarte and Villeda;

Murder of a judge in Carolina.

Summary of conclusions in some of the major cases studied:

1. JESUIT PRIESTS

The Commission found that in November 1989, several members of the Salvadoran Army high command ordered the murder of the Jesuits. Officers at the military academy organized the killings. Elements of the army Atlacatl battalion murdered the six priests, their housekeeper and her young daughter; then attempted to leave evidence falsely implicating the rebel FMLN.

For their part in ordering the killings, the Commission calls for the immediate dismissal and banning forever from military and security duties of Defense Minister, General Rene Emilio Ponce; Vice-Minister General Orlando Zepeda; former vice-minister of public security Col. Inocente Montano; Chief of Staff, General Gilberto Rubio Rubio; former Air Force commander, general Juan Rafael Bustillo; Col. Francisco Elena Fuentes, and Col. Guillermo Alfredo Benavides. For their part in covering-up the killings, the Commission cites Army chief of staff General Gilberto Rubio Rubio; the former commander of the Atlacatl battalion, Col. Oscar Alberto Leon Linares; and the legal adviser to the army high command, Rodolfo Antonio Parker Soto.

2. EL MOZOTE

The Commission finds that the army killed over 200 people in El Mozote, including women and children in 1980. It cites former Atlacatl battalion commander Col. Domingo Monterrosa Barrios; Col. Natividad de Jesus Caceres Cabrera, a major at the time of the massacre. The Commission also cites Supreme Court President Mauricio Gutierrez Castro for improper interference in the judicial proceedings concerning the investigation of the massacre.

3. ARCHBISHOP OSCAR ARNULFO ROMERO

The Commission finds that Major Roberto D'Aubuisson ordered the assassination of the Archbishop and that Army Capt. Eduardo Avila and former Capt. Alvaro Saravia, as well as Fernando Sagrera played an active role in the assassination. The Commission further finds that the Supreme Court of El Salvador played an active role in impeding the extradition from the United States of Capt. Saravia.

4. ASSASSINATIONS OF MAYORS BY THE FMLN

The Commission finds that the General Command of the FMLN approved the killing of civilian mayors and that the People's Revolutionary Army (ERP) of the FMLN was responsible for the killing of a least eleven mayors. The Commission cites ERF commandantes Joaquin Villalobos, Ana Guadelupe Martinez, Mercedes del Carmen Letona, Jorge Melendez, and Marisol Galindo for having responsibility for the executions.

RECOMMENDATIONS

The Truth Commission concluded its report with wide-ranging recommendations aimed at removing human rights violators from public offices, reforming the justice system and the Armed Forces, as well as to promote human rights, democracy, the rule of law and national reconciliation.

I. THOSE CITED FOR HUMAN RIGHTS ABUSES IN THE REPORT

The Commission recommends that those individuals it found to be responsible for serious abuses of human rights who today hold public or military office should be removed immediately. They should also not have access to public office, or a public role, in El Salvador for at least 10 years. They should also be prohibited from ever holding any military or security responsibility.

Based on its investigation, the Commission calls for the removal from the Salvadoran armed forces or from any other public office of more than 40 military personnel. They include Minister of Defense General Rene Emilio Ponce; Vice-Minister, General Orlando Zepeda; Chief of Staff Gen. Gilberto Rubio Rubio, former Air Force commander, General Juan Rafael Bustillo; former vice-minister for public security, Col. Inocente Montano; Col. Francisco Elena Fuentes and former commander of the Atlacatl battalion, Col. Oscar Alberto Leon Linares, among others. All of the above officers are cited for their role in either ordering or concealing the murder of six Jesuit priests, along with their housekeeper and her daughter. Former National Guard commander, General Eugenio Vides Casanova, is cited for playing a role in the cover-up of the murders of four American religious workers.

The Commission also recommends that former rebel FMLN leaders be barred from holding public office for a decade. They include the commandantes Joaquin Villalobos, Ana Guadalupe Martinez, and Jorge Melendez, among others. They are cited as the commanders responsible for the murders of more than 11 civilian mayors.

The Commission also lists Captain Alvaro Saravia and Captain Eduardo Avila for the murder of Archbishop Oscar Arnulfo Romero. Avila is also cited, along with Lt. Rodolfo Isidro Lopez Sibrian and Major Mario Denis Moran as being responsible for either ordering or concealing the killings of three agrarian reform advisers at the Sheraton hotel.

The Commission cites some former military officers who are now deceased, but who played a major role in the civil war. They include former Major Roberto D'Aubuisson, who is cited for organizing death squads and ordering the murder of Archbishop Romero. Also cited is deceased Col. Domingo Monterrosa Barrios, for being the commander in charge of the massacre at El Mozote.

The Commission cites civilian participants in human rights abuses. Among these is Fernando (El Negro) Sagrera, for helping plan the murder of Archbishop Romero and Hans Christ for assisting in the killing of three agrarian reform experts at the Sheraton hotel. Rodofo Antonio Parker Soto, former legal adviser to the Army high command, is cited for helping conceal the role of senior officers in the killing of the six Jesuit priests. Hector Antonio Regalado, the former head of security for Roberto D'Aubuisson, is cited for organizing and managing death squads.

The president of the Supreme Court, Dr. Mauricio Gutierrez Castro is cited for improper interference in the legal investigation of the massacre of El Mozote.

II. THE FMLN

In broad terms, the Commission finds the FMLN responsible for having committed "grave acts of violence" including assassinations, disappearances and kidnappings during the war that violated human rights and humanitarian law. The Commission received more than 800 denunciations of grave violations by the FMLN, including nearly 400 killings and over 300 disappearances.

The Commission calls on the FMLN to renounce forever all forms of violence in the pursuit of political ends.

III. THE ARMED FORCES

The vast majority of abuses studied by the Commission were committed by members of the armed forces or groups allied to them. In order to promote the urgent need in El Salvador to professionalize the military, bring it under civilian control and instill it with a respect for human rights, the Commission makes the following recommendations.

(1) Immediate removal from the military of all officers cited for human rights and other major violations.

(2) Steps to assure civilian control of military promotions, the military budget and all intelligence services.

(3) A new, legally backed, provision permitting military personnel to refuse to obey unlawful orders.

(4) Steps to cut all ties between the military and private armed groups or other paramilitary groups.

(5) The profound study of human rights at the military academy and in other officer training courses.

IV. DEATH SQUADS

The Commission finds that death squads, often operated by the military and supported by powerful businessmen, land-owners and some leading politicians, have long acted in El Salvador and remain a potential menace. The Commission received testimony on more than 800 victims of death squads.

This problem is so serious that the Commission calls for a special investigation of death squads in order to reveal and then put an end to such activity. The Commission is especially concerned by the close relation between the military, hired assassins and extremists within the Salvadoran business community and some affluent families, who resorted to killing to settle disputes. This practice must end.

The Commission also is concerned that Salvadoran exiles living in Miami helped administer death squad activities between 1980 and 1983, with apparently little attention from the U.S. government. Such use of American territory for acts of terrorism abroad should be investigated and never allowed to be repeated.

V. THE JUSTICE SYSTEM

The Commission finds that the system of justice in El Salvador is highly deficient. It makes several recommendations to address this profound problem that permitted the abuse of human rights in El Salvador.

(1) The report calls for the immediate implementation of constitutional reforms requiring the turnover of the present members of the Supreme Court. In particular, the president of the court, Dr. Mauricio Gutierrez Castro, is cited for unprofessional conduct.

(2) Bring about a true separation of powers between the executive, legislature and the judiciary in order to depoliticize the administration of justice and in particular the Supreme Court in El Salvador.

(3) The power of the head of the Supreme Court and its centralized power over the rest of the judiciary should be reduced.

(4) The report calls for the already created Independent Judicial Council to be made

truly independent, so that it can oversee the functioning of the judicial system. This group will review the professional capacity of all serving judges. This group should be given the power to appoint or remove judges, taking that power away from the Supreme Court.

(5) Judges should be provided adequate salaries.

(6) Extra-judicial confessions should be prohibited; the right to a lawyer should be strengthened; strict limits should be placed on pre-trial detention; those who can order detentions should be limited and defined; the right of habeas corpus and the presumption of innocence should be strengthened.

U.S. SENATE,
Washington DC, January 11, 1993.

Hon. LAWRENCE EAGLEBURGER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: As strong supporters of the UN-brokered peace accords between the Government of El Salvador and the FMLN which ended a dozen years of civil war, we are dismayed by President Cristiani's decision not to fully implement the recommendations of the Ad Hoc Commission by the December 31 UN deadline. We believe the implementation of the Commission's recommendations in a timely manner is crucial to El Salvador's future.

Ultimately, it is up to the United Nations Secretary General to determine that the peace accords, which every Salvadoran citizen has a stake in, are being complied with. However, until then, we urge you in the strongest terms to withhold obligation or delivery of any further military assistance for El Salvador. We believe the United States must take this step to make it clear to the Salvadoran armed forces that they cannot expect our support unless they fully comply with the peace accords.

Thank you for your consideration.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.
CHRIS DODD,
Chairman,
Western Hemisphere Subcommittee.

The PRESIDING OFFICER (Mr. BREAUX). Under the previous order, the Senator from Texas, [Mr. GRAMM] is now recognized to speak for up to 10 minutes.

THE CLINTON BUDGET

Mr. GRAMM. Mr. President, I want, today, to talk about the Clinton budget as adopted by the Senate Budget Committee. As my colleagues know and as the people of America know, we are moving toward floor consideration of this budget in the Senate, probably this week. What I am going to try to do beginning today and each morning until we bring the budget up is talk about the budget and talk about the choice we are making. There is a Biblical admonition we are all familiar with, that says "ye shall know the truth, and the truth shall make you free." If there is a problem with that Biblical admonition, it is that it does not tell you how you are going to know the truth.

This speech today, and the ones I will be giving each morning until we bring up the budget, represent my modest contribution toward helping people know the truth so it may make them free. What I tried to do is to reduce the Clinton budget as it will come to the floor of the Senate down to some very simple charts. I think these charts really tell the whole story. The first chart tries to reduce it down in a form that the American people can understand, in what I call the Dicky Flatt baseline.

In other words, what I want to do in taxes, in nondefense and in defense spending, is to start out with the world as we know it today and ask the simple question: Over 5 years, if everything that President Clinton claims his budget will do it will do, if every savings in that budget occurs, what will the world look like at the end of those 5 years? It seems to me that is about as fair a test as you can give a budget, assume everything it says will happen, in fact, happens. I think when you do that you get a pretty startling picture of the Clinton budget.

First of all, taxes over the next 5 years will rise $1,332 billion. Over the next 5 years we will collect $1,332 billion more in taxes from the American people than we collect today.

Second, nondefense spending on a myriad of programs will rise by $840 billion. That will be the largest 5-year increase in nondefense spending in the history of the United States and as you can see from looking at the line on the chart, it is virtually an explosion of nondefense spending, up $840 billion.

Defense will decline by $154 billion over the next 5 years. Stated in a form I think is easy to understand, starting from where we are today in taxes, nondefense spending, and defense spending, what the Clinton budget does is it basically cuts defense by $154 billion, raises nondefense spending by $840 billion, and taxes go up by $1,332 billion.

Let me talk about what this means in, I think, commonsense terms. What is the Clinton vision for America? I am fond of saying budgets are important, not because they have something to do with numbers but because they have something to do with vision—because they tell you what kind of America we want. What is the Clinton vision and what does it look like when you take all these numbers and reduce them to something you can understand?

Let me just give two definitions of the vision that to me make a point. At the peak of the Johnson Great Society programs, nondefense spending—social spending—as a percentage of gross national product, was 10 percent. At the peak of the Johnson Great Society we were spending 10 cents out of every dollar earned in America on social programs.

If fully implemented, the Clinton plan will mean that nondefense spending will rise to 19.3 percent of the GNP, or almost 20 cents out of every dollar earned by everybody in America will go to the Government to spend on social spending. The first point I want to make, which I think is pretty startling, as a percentage of the economy, social spending under the Clinton plan will be twice what it was at the peak of the LBJ Great Society program. We will be spending twice as much of the total resources of our economy on social programs under the Clinton plan as we spent when Lyndon Johnson was President at the peak of the Great Society programs.

Second, as compared to Jimmy Carter on defense, when our defenses were deemed to be insufficient and we embarked in the 1980's on a defense buildup that ended up winning the cold war, tearing down the Berlin Wall, liberating Eastern Europe, transforming the Soviet Union, but when defense was at its lowest during the Carter administration, we were spending 6.1 percent of GNP on defense. Under the Clinton vision, that will be cut to 3.2 percent.

So let me just state it in simple terms. We will be spending twice as much on social programs as a percentage of GNP under the Clinton vision as we did at the peak of the Johnson Great Society, and under the Clinton vision we will be spending half as much on defense as a percentage of GNP as we spent when President Carter was President.

What do we get for all this? What do we get for this massive tax increase, and for this dramatic reordering of priorities in terms of what the budget debate is supposed to be about, reducing the deficit? After all these taxes, after all this spending, after all these defense cuts, what actually happens is that if everything President Clinton promises comes true in his 4-year term as President, the Federal debt will go up $1.426 trillion.

The chart I do not have but my trusty staff is working to produce is what each of these Presidents promised on deficit reduction because what we are doing here is comparing their reality with the Clinton promise. What you would see if you had their promise superimposed is that the Reagan promise almost balanced the budget both times; Bush's promise was a fairly small deficit increase; this is the Clinton promise, and we do not know what the reality will be.

Mr. President, there are two other points I want to make and I will be finished. First of all, these are the promises. Let me give you a figure that frightens me. In the next 2 weeks, having adopted the extension of unemployment benefits and in probably adopting the economic stimulus program, we will send the Federal debt up by $21.5 billion. It is brandnew spending, and the President has designated it as an emergency, so it does not count as spending, it does not count as deficit but it counts as something we are

going to have to borrow money to fund and everybody knows that is accounting gimmick.

All of the spending cuts that are supposed to be in this budget, if everything that President Clinton claims will happen under his budget really happens, it will not be until 1997 that we have achieved a 1-year reduction in spending that will equal the new spending that we will have approved in the next 2 weeks here in the U.S. Senate.

Let me tell you the problem with these promises. Almost all these promised spending reductions are off in the future. What the President is saying, something we have heard from Presidents in both parties, is let me spend money now and then in the sweet by and by, I am going to control spending. The truth is that almost all of these spending control measures in the President's budget are promises to control spending in the future.

I offered an amendment in the Budget Committee to take these promised spending control measures, make them caps on spending and to enforce them to be sure we actually do it. You will not be surprised to find that that amendment was defeated on a straight party-line vote. All the Democrats who were members of the Budget Committee did not want to enforce all these savings. If my colleagues are wondering why all these groups that are supposed to be suffering all these cuts are not knocking on our door, I suggest they go back and look at that vote because that vote suggests to me that nobody intends to actually make these cuts.

I am going to offer that amendment again on the floor of the Senate, and the amendment will simply say, take President Clinton's budget, take these savings by limiting the growth of spending that he promises and make it the law of the land that you have to do it. And then if Congress does not do it, restrain spending across the board to accomplish it. I hope my colleagues will adopt it.

Finally, let me say that the most startling thing about this whole proposal is how much of the taxes go to fund new spending. Over the next 5 years, taxes will go up by $1.334 trillion, but $840 billion of that will be spent. I offered an amendment in the Budget Committee, which I will offer again on the floor of the Senate, that does two things: It freezes discretionary spending, and it takes out all the President's new add-on spending and says that if any of these new programs are important, then cut some existing program to pay for it and add them, but do not add them without paying for them. By doing that, I save enough money to delete the taxes, the energy taxes and the Social Security taxes.

Let me say that again. By simply freezing discretionary spending and by not adding the new spending that the President proposes, you save more money than the President raises by raising taxes, energy taxes and Social Security taxes. Or stated in another way, every penny of personal taxes, every penny of energy taxes, every penny of Social Security taxes goes not to reduce the deficit but goes to increase nondefense spending. I do not think the American people understand that. I think those Americans who say they are willing to be taxed to reduce the deficit mean it. I do not think they are willing to be taxed to fund more Government spending. I wonder how many retirees earning $18,000 a year on their W-2 form, of course, the President says they are really earning about $25,000 because they own their own home and he counts as income the rent they would have to pay if they did not own it, I wonder how many of them want to raise their taxes to fund new Federal domestic spending.

I thank the Chair for his indulgence.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia, under the previous order, is recognized to speak for up to 15 minutes.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the introduction of S. 588 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,211,672,714,399.73 as of the close of business on Friday, March 12.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $288,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,396.83—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

BROWN UNIVERSITY PROJECT ON SECURITY FOR EUROPE

Mr. PELL. Mr. President, I would like to bring to the attention of the Senate an important initial report based on the first year of a 2-year project on security for Europe. This project involves an unprecedented undertaking by 10 policy and public opinion research organizations in 5 countries in Central and Eastern Europe—Czechoslovakia, Germany, Hungary, Poland, and Russia—in collaboration with the Center for Foreign Policy Development of the Thomas J. Watson, Jr., Institute of International Studies at Brown University. In 1993, this project will be joined by additional policy and public opinion institutes in Ukraine and newly independent Slovakia, increasing the total number of countries participating to eight, including the United States.

We ignore at our peril the rapidly changing face of Central and Eastern Europe, and the reader will find that the report identifies important trends in both public attitudes and the policy debate in that critical region of the world. In particular, the report provides insights into growing ethnic problems, international border issues, military and nonmilitary security dilemmas, the breakup of post-Soviet Republics, and the current and future United States role in Europe. Among the key policy problems addressed in the report are the protection of national minorities, international action to contain and resolve conflicts, and the tension between unilateral and multilateral strategies for increasing security in Europe.

The results of this multinational research project are being disseminated widely among policymakers, experts and opinion leaders in each of the participating countries. In addition to its important input to the development of our future policies, I also believe that this project makes an equally significant contribution to democratic development in Central and Eastern Europe. Nongovernmental research institutions

in that region are strengthening their capabilities in public opinion and policy research—key ingredients in developing a dynamic democratic debate on foreign policy and security issues. Political leaders are taking into account public attitudes and preferences as they formulate policies—a radical shift from the repression of free opinion and debate under Communist rule.

Mr. President, this initial report makes an important and stimulating contribution to the public and policy debate on European security issues. I wish the project well in its second year, and I look forward to the final report and final conferences that are planned at the end of 1993 in both Europe and the United States.

TRIBUTE TO EDDIE COLLINS

Mr. SASSER. Mr. President, I rise today to pay tribute to a good friend who has dedicated his life to working men and women of Tennessee and the Nation, Mr. Eddie Collins.

Eddie Collins was born near Jackson, TN, on July 4, 1932. He attended local schools and graduated from Malesus High School in 1950. After graduation, he worked as a union fireman for the L&N Railroad. After steam engines made firemen obsolete, Eddie became a member of the International Brotherhood of Electrical Workers [IBEW] and worked for the Jackson Electric Department and then as an electrician's helper on construction sites in Kentucky.

On January 2, 1954, he began work as a grocery clerk at the Kroger store in Jackson and soon joined the RCIA Local No. 1529 out of Memphis, TN. Eddie became a steward and helped organize the National Ten Stores in Jackson. His hard work in the organizing campaign impressed several union officials and in early 1956, he went to work for the union. The union sent him to Baton Rouge, LA, local where he served as chief executive officer for 6 months. He came back to Tennessee and served as a business agent for the Memphis local. Functioning as an RCIA international representative in 1958, Eddie served in Shreveport, LA, and Jacksonville, FL, and then in the fall of 1958, the RCIA sent him to Nashville as its deputy trustee.

The international had put local No. 1557 in Nashville under trusteeship and Eddie was to oversee the local until it got back on its feet. He and the members of the local union established a good relationship and on October 4, 1959, he was elected secretary-treasurer of the local by acclamation. He served as CEO of local No. 1557 until December 31, 1992. Eddie inherited a union with less than 1,000 members and built it into an organization with almost 8,000 members.

Under Collins' leadership, local No. 1557 touched the lives of its members in many areas. He helped negotiate wages and benefits that allowed the unions members to live the American dream. Local No. 1557 also conducted vigorous organizing campaigns and was active in community and political affairs. Finally, the local strove to bring more dignity to the work lives of its members.

Eddie Collins has served in many other important capacities. In October 1969, he was elected vice president of the Tennessee AFL–CIO Labor Council and as a member of that body's executive board. He eventually became the first vice president of the council and still serves as an officer and board member. During his career, Eddie served on Nashville's Private Industry Council and the Tennessee Employment and Training Council. He was selected as a member of Leadership Nashville and served as the chairman of UFCW 1557's health and welfare fund, and as a board member of the Tennessee Health Planning Council. Eddie has also found the time to raise a fine family of 4 daughters and 11 grandchildren with his wife, Frankie Mullins Collins.

Eddie has retired from his duties at local No. 1557. He will be missed greatly, but I am pleased he is leaving leadership of the local in the able hands of Rosemary Geddes.

I hope my colleagues in the Senate will join me in congratulating Eddie Collins on his outstanding career and his service to the community, the State of Tennessee, and the Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is concluded.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

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

Mr. MITCHELL. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

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

Mr. MITCHELL. Mr. President, I ask that the distinguished Senators from Montana, Senator BAUCUS and BURNS, be recognized to address the Senate as in morning business for 3 minutes each.

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

The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS and Mr. BURNS pertaining to the introduction of S. 587 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL VOTER REGISTRATION ACT OF 1993

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 460) to establish national motor voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a 30-minute time limitation for debate, equally divided in the usual form on Senator FORD's amendment No. 123, to be offered upon the granting of this consent request; that no amendments be in order thereto or to the language that is stricken by the amendment; that at the conclusion or the yielding back of time, the Senate, without any intervening action or debate, vote on or in relation to Senator FORD's amendment No. 123; and that upon the disposition of the Ford amendment No. 123, Senator SIMPSON be recognized to offer three germane amendments in the first degree and those are amendments numbered 127, 128, and 129; and that upon the disposition of those amendments, Senator SIMPSON be recognized to offer amendment No. 126.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Mr. President. We just want to check with one Senator. I believe there will be no objection on this side.

Mr. MITCHELL. Mr. President, while we are waiting for our colleague to check, 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. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation. I yield to the distinguished manager of the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the majority leader for his usual courtesy and appreciate his interest in passing this legislation and in cooperating with those who have amendments to the motor-voter bill.

Mr. President, I believe under the unanimous-consent agreement, I am authorized to call up amendment No. 123.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 123

(Purpose: Composite of amendments agreed to)

Mr. FORD. Mr. President, I call up that amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 123.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of amendment No. 123 is printed in today's RECORD under "Amendments Submitted.")

Mr. FORD. Mr. President, let me be brief. We only have 15 minutes to a side. I want to briefly say what is in this amendment. Basically, the amendment which I have sent to the desk is the majority's response to the Republican amendments which were presented to me last week. We worked until 1:30 or 2 in the morning in order to try to work out an agreement that made a sincere and dedicated effort to be accommodating. Although we were unable to reach an agreement with respect to our negotiations, I believe that with some modification, a majority of the amendments were good amendments and should be adopted. To further evidence my good faith intentions, I have offered this amendment.

Mr. President, let me briefly describe what this amendment would do. It modifies the exemption for election day registration of S. 460 to exempt States which have enacted legislation to permit registration on election day at the polling place, in effect continuously on and after March 11, 1993, or have enacted such a law on or prior to March 11, 1993, and by its terms is to come into effect upon enactment of this bill. It further provides that this exemption would also apply to States which permit registration and voting for Federal offices in a Presidential election year.

Mr. President, it also modifies the motor-voter section of the bill by eliminating the present provisions on a written declaration to register. Under the terms of this amendment, every application for a driver's license shall serve as an application for registration, unless the applicant fails to sign the voter registration application. This ensures that motor-voter will continue to be a simultaneous transaction but clarifies that the decision on whether to register or not is the applicant's.

It includes a technical provision which relates to the transmittal of registration application by motor vehicle officials to the appropriate State election authority; a modification of the effective date for the States which have a State constitutional problem to conforming to the act; a provision relating to the notice of the disposition of the mail application for registration. If a notice is sent by forwardable mail and is returned to the registrar as undeliverable, the name of the voter will be removed by going through the purge provisions of the bill at section 8(d).

The amendment provides that each application must not only contain an attestation clause but also include a statement regarding the penalties for filing a false application.

Mr. President, with regard to agency-based registration, this amendment provides that each applicant should be offered assistance in completing the voter registration application unless the applicant refuses such assistance. It provides that voter registration shall be offered at military recruitment centers. This amendment limits the FEC regulatory to the development of the mail registration application and proscribing the data necessary for the FEC to fulfill its reporting obligations under the act.

Mr. President, we have made an honest effort I think to cooperate with my colleagues on the other side. They submitted to us nine amendments. I think maybe we have accepted basically eight. One we could not. I think that is a pretty good effort, Mr. President, to accommodate my colleagues on the other side.

So I have made that honest effort to cooperate and hopefully this has become a better bill.

Mr. President, I believe these amendments make S. 460 acceptable. At least, I hope it does. Because many of these ideas were suggested by my Republican colleagues, I hope that some of my colleagues on the other side of the aisle will rethink their position on this bill and support our efforts.

Mr. President, I yield the floor and reserve the remainder of my time.

Before I do, that, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, we are making some progress. Unfortunately, the latest model of motor-voter is still a little bit of a lemon but it is getting better. If we can have a little more success later in the day, I think we will be there, at least for some of my colleagues. There are some of us who still wonder whether this is a solution in search of a problem, but we are making some progress.

Let us see for my colleagues who are interested in where we are after the adoption of the Ford amendment which presumably will be adopted. As a matter of fact, I had suggested we simply do it without a rollcall vote because it is going in the right direction. Unfortunately, even after the adoption of the Ford amendment, which will be considered shortly, it still discriminates against taxpayers and in favor of welfare recipients. It forces States to provide voter registration service at all public assistance agencies.

Mr. President, it is important to remember that a lot of public assistance is provided in America by State governments and by local governments. I recall having been a county official in a major county in my State and we offered public assistance. The employees who work in the public assistance portion of county government were not under any kind of merit system. They could well, had they been inclined, have coerced voters who were coming in for assistance into registering, or even worse, into registering with a particular party.

So it seems to this Senator that that kind of situation should not be mandated by Federal legislation. Essentially, what happens even after the Ford amendment, if States have any money left, the bill does not mandate but allows voter States to provide voter registration at tax offices and hunting license offices. In other words, we make the registration occur in effect unless the applicant says I do not want to be registered in the welfare offices. But we say States and localities may provide registration at places like tax offices and hunting licenses.

We allow public assistance applicants to refuse assistance in fulling out reg-

istration forms even after the Ford amendment but no such applicant is going to refuse the person who will decide whether they get public help. Instead no registration assistance should be offered unless the applicant asks for it up front. That is the way it is under motor-voter portions of this bill, it requires an affirmative act to register by motor-voter applicant. We think that the latest model of motor—voter simply does not also come with a buyer's warranty. One of the things my friend from Kentucky and I were discussing last Friday to provide some assurances to those of us on this side of the aisle was whether we could get through the majority some assurances on the part of the House Democrats who will be on the conference committee as to whether or not they will keep these provisions. It does not do us much good to adopt the core package if it is subsequently dropped in conference.

It is not unheard of around here to have some conversations in advance with people on the other side who will be involved in crafting the final package as to whether or not they might recede to the Senate's version of this core package.

I know that my colleague from Kentucky seems to feel that is difficult to provide. I would hope we might be able to get that assurance. Without that assurance, it seems to me this whole exercise of adopting the core package could end up being an exercise in futility.

With regard to another portion of the bill, the core package that we offered which was not accepted concerning the registrar and the registrant, the revised language also ties the States' hands with regard to voters who move within a jurisdiction without notifying the registrar. Under the revised language, the voter could choose to vote at another either the old or new polling place or a central location and all the voter has to do is say he is at the new address.

The only option even after the Ford amendment is adopted, the only option the State has to control the election process is to provide by law that the voter who has moved may show up and vote at the new location. In other words, this amendment denies States the right to designate the polling place it deems best to ensure the integrity of the election process.

The amendment tells the States there is only one way to handle the situation where a voter moves without modifying the registration of the change of address.

So, Mr. President, I think we are making some progress but we are not quite there yet. There would be no reason not to support the Ford amendment. As I said, I hope we can do it on a voice vote but we are still a long way from getting the kinds of assurances that our side would like that this is truly a bill that will not encourage election day shenanigans.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Kentucky controls 9 minutes 56 seconds.

Mr. FORD. I thank the Chair.

Mr. President, I have been asked almost the impossible here to guarantee that the House will accept this legislation. I am not sure whether we will have nongermane amendments on, and the House will be adamantly opposed and that we know that they have a germaneness rule there that is somewhat different from ours. We know that the House votes to instruct their conferees, something different than what we do here. We are left with the ability to be flexible in some ways. I did offer that if you would accept our proposal, and have it before the Senate now, if that is acceptable, I will go, and that is the end of it, I will then go to the House and ask them to accept this piece of legislation without conference. That is all I can do.

I cannot say what the other people will do. I cannot force the House into doing things. So I am being asked to do something here that is basically not humanly possible.

I can negotiate with the best of them. I can talk and try to work things out. I can go in advance and try to talk to the House leadership, and I believe Senator MITCHELL will join with me. But to guarantee that it be acceptable then, that is something that I cannot guarantee of my colleague and he cannot guarantee me. When I start guaranteeing him, he will vote differently. When he starts guaranteeing me, I will probably vote differently. But under the circumstances, we cannot guarantee each other.

So now to be asked to go to the House and guarantee that—we have gotten the bill to a point where there is very little argument—oh, there is a picky, picky place here or there. But we are trying to reconnect the citizen with Government again. We are trying to make it easy to register to vote so that people that want to vote can. We do not guarantee that this will increase the turnout, but it has the possibility of increasing the turnout. I wonder how many people wanted to vote in the Presidential election in 1992 that were not registered. Under this bill, it will not happen to them the next time. The last day before the day of the election, and they want to vote, they will have the opportunity because they will be registered.

There is no fraud. Every State that we have that says they put in some type of motor-voter, the fraud has not increased.

We do not want to trust under the debate we are hearing here; we do not want to trust people. They are going to coerce them, say things and do things that will make the applicant do some things they do not want to do. I have a greater trust in individuals than that. I believe that if they do not want to register, they say no, and the employee at the agency will say that is fine, that is your choice.

So, now, Mr. President, here we are, and we have worked hard, stayed up until 2 o'clock or 3 o'clock in the morning, and we have worked as best we can to put this package together. And I just do not believe that we are so far off that we are going to have fraud and misrepresentation and so forth. I believe we are at a point where we have to start trusting people, and we should not put a heavy weight on the citizen. We ought to make it easier for them.

Mr. President, I have always heard one thing, and I want to repeat it: Why is it that you people in Washington always get in a little room somewhere and conjure up another program to put down on States?

Well, this is something that started at the grassroots. It started at home. It started with our constituents, and it has worked its way up. We have a broad array of associations that are for this legislation, including the secretaries of state, election officials, organizations that are not politically oriented, one party or the other. They support this.

We have worked with States, and we have come to an agreement. So now I think we are at a point where, if this amendment is passed, we are very close to getting a motor-voter that would be acceptable to not only both sides of the aisle, but one that I believe will be acceptable to the people back home.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Kentucky [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. Mr. President, even though it is not a part of the core package, I remind my colleagues that we still have not paid for this bill. This is still an unfunded mandate.

Let me repeat what will still not be acceptable after the adoption of the Ford amendment, which we could have taken on a voice vote.

The bill will still discriminate against taxpayers in favor of welfare recipients. It will force States to provide voter registration services at all public assistance agencies. Many States and localities do not have civil service. Many States and localities have those kinds of offices manned by patronage workers. Then, if States have any money left over, the bill will allow States to provide voter registration at places like tax offices and hunting license offices.

Even after the adoption of the Ford amendment, there will be no exemp-

tion for States which have successful voter registration programs in place. For example, the Jeffords amendment would exempt States which register at least 90 percent of the eligible population. Vermont already has 90 percent of the population registered. Even after the adoption of the Ford amendment, the situation would exist that allows public assistance applicants to refuse assistance in filling out voter registration forms, but no such applicant is going to refuse the person who will decide whether they get public help.

I repeat, no such applicant for public assistance is going to refuse, when asked by the person handing out the public assistance to, A, register and, B, where they have party registration, suggest a particular party.

Instead, it is my view that no registration assistance should be offered, unless the applicant asks for it up front.

Even after the adoption of the Ford amendment, it would require an affirmative action to register by motor-voter. That would be necessary to prevent against unintentional or improper registration, but does not require a similar affirmative act to register through agency-based registration.

In other words, you have to make an affirmative action, or ask for assistance, if you are registering through the motor-voter provisions. But if you are receiving welfare assistance, you would have to ask not to be registered.

The latest model of motor-voter does not come, as I indicated, with a buyer's warranty. I know my colleague cannot absolutely guarantee what the House will do. But we could have had some discussions with them in the course of the last few days to get some indication back, before we pass this bill, as to whether or not this core package would be retained in conference.

One of the reasons that I hope we will continue the discussion of this bill beyond 6 o'clock tonight is so those contacts can be made by the majority here in the Senate, with the majority in the House, to get some indication, before we finally pass this legislation, as to whether or not these provisions of the Ford amendment, plus some other provisions we hope will be adopted in the course of this debate, will in fact be retained by the House. I do not think it is an impossible task to at least make the inquiry and get some feedback prior to the final passage of this bill.

Finally, even after the adoption of this amendment, States will be denied the right to designate the polling place it deems best to ensure the integrity of the election process. States will be denied, even after the adoption of this amendment, the right to designate the polling place that that particular State deems best to ensure the integrity of the election process.

Mr. President, I do not think these are unreasonable requests. All of these were in the core package that we offered on this side to the majority last Friday. I hope, if we are still discussing this bill after 6 o'clock, that we will be able to get these additional assurances.

I say to any members of our party, on this side of the aisle, who actually favor this legislation, that this legislation would be made significantly better by the adoption of the core package I offered last Friday. It would improve the bill. I, personally, would rather not see the bill pass. But there are some who feel this is an important thing that the Federal Government should do. So why not make it as good as we possibly can. I think the entire core package offered by this side last Friday would greatly improve this bill, particularly if we had some assurance that it would be in the final version adopted at the end of the process.

Mr. President, I reserve the remainder of my time.

Mr. FORD. 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. 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.

Mr. FORD. Mr. President, I believe both of us now have 4 minutes remaining.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time equally run against both sides.

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

The clerk will call the roll.

The assistant 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.

Mr. FORD. Mr. President, I ask the Chair how much time now remains.

The PRESIDING OFFICER. The senior Senator from Kentucky has 2 minutes remaining.

Mr. FORD. And the other Senator from Kentucky has 2 minutes?

The PRESIDING OFFICER. The junior Senator from Kentucky has 2 minutes.

Mr. FORD. Mr. President, we will vote in 4 minutes. I just want to reiterate that I guess beauty is in the eye of the beholder.

I think this is a pretty good bill. In the words of Henry Clay, I compromised as much as I could compromise and, as he said, compromise is negotiated hurt. I hurt when I gave a portion of this bill away. It was not easy to do. I honestly feel that we have come a long, long way to accommodate my colleagues on the other side.

It is not for me to question but to do or die, I guess. I cannot understand why this bill now is not acceptable to the body as a whole.

I could not commit that the House would accept this bill. I did commit to going to them once it is passed and try my level best to be sure that they accepted the bill as we sent it to them and pass it. That is about all I can do, and to encourage it. The majority leader had agreed that he would go and work with the leadership.

We do not have anything to offer them. We do not have a bill. Once we get a bill, then we have something to offer, not hypothetical. And you can bet every dime you have if there are some nongermane amendments on this bill it will not pass as is.

So, Mr. President, I hope that we can pass this bill today. I hope we can get an agreement without going through a cloture motion. I would like to do that. And we are getting on with amendments this afternoon and we can expect votes between now and 6 o'clock, the time for the vote on cloture.

So, Mr. President, whatever time I have I yield back and I am prepared to go to a vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I wish to make sure my friend from Kentucky knows what it is we are asking. Let me repeat it is not asking my colleagues in the majority to protect every portion of the bill, including nongermane amendments.

What we are asking for in advance is some assurance that the core package that was offered last Friday would be upheld in conference. Clearly, if we wait until after the bill is passed we have no clout at all. What we are asking in advance of passage is that only the core package, not some nongermane amendment or amendment that may be offered in the course of this debate and adopted. We do not expect the majority to protect that in conference. What we are asking for is a core package that was offered last Friday by the minority to the majority, which both sides are familiar with. That is what we are asking for, assurances in advance of passage, because if we have to wait until after it is passed, of course, we have no clout at all and no guarantees that would be upheld. I do not think that is an unreasonable request.

With regard to whether the counteroffer made by my friend from Kentucky is adequate, I would say it is not. I mean, he is going to get the whole bill. There are many people on this side of the aisle who do not think this bill ought to pass at all. What we ask for is a small core of perfecting amendments that will improve the legislation. We hope during the course of

the debate that entire package will be accepted and we can get some assurances from the Democratic majority in the House with regard only to the core package being retained in conference.

Mr. President, I yield back the remainder of my time, if there is any remaining.

Mr. SIMPSON. Mr. President, on March 5, 1993, the Democratic Governor of Wyoming, Mike Sullivan, signed into law a bill providing for same-day voter registration on the day of a general election. The Wyoming statute provided that it would only become effective following the passage of the bill which we in the Senate are now considering.

The amendment before us provides that certain States that enacted such same-day registration laws prior to March 11, 1993, would be exempt from the provisions of the bill. I want to make it very clear that language which I drafted and incorporated in this amendment that refers to "a State * * * under a law * * * that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this act, so long as it remains in effect * * *." Specifically contemplates the statutory situation in Wyoming.

Mr. FORD. That is my understanding and intent.

Mr. JEFFORDS. Mr. President, I strongly support the National Voter Registration Act and hope that we will see its passage very soon. I greatly appreciate Chairman FORD including my amendment with his package of amendments, making it possible for my State of Vermont to comply with the law without violating the State's constitution.

That constitution is a remarkable document. It was originally adopted in 1777, when Vermont began its proud history as an independent republic. It outlawed slavery and adopted universal male suffrage. Fiercely jealous of its independence and subject to competing land claims from the Colonies and Canada, New York, and New Hampshire, Vermont included in its constitution the requirement that all voters take the Freemans Oath, which affirms a voter's loyalty to the republic, now State, of Vermont.

The constitutional requirements for the administration of the Freemans Oath unfortunately are in conflict with the requirements of the legislation before us. Moreover, our process for adopting constitutional amendments is deliberately and appropriately slow, making compliance with the proposed legislation and our constitution impossible in the time contemplated in the legislation as it now stands. According to the attorney general's office in Vermont:

If the Senate bill is passed in its present form, the conflict could only be rectified, at least for the election of Federal officials, by an amendment of the Vermont constitution. As you know, the amendment process takes several years to complete. The current deadline of January 1, 1996, as stated in S13(1) of S. 460, would not provide enough time for the amendment process to be completed in Vermont.

My amendment will allow Vermont to come into compliance with the law as soon as it is constitutionally possible. I want to thank Chairman FORD and his staff for their understanding and assistance in working out this problem.

I would like to particularly thank Vermont State Senator Bill Doyle for his attention to and support for my efforts. Also, I thank Vermont Attorney General Jeffrey Amestoy and his most able deputy, Wallace Malley, for their expeditious attention to my request for assistance in working out a solution to the problem presented by this legislation as it is currently written. I have appreciated the advice from a number of other Vermonters such as Susan Auld, Commissioner of Employment and Training, Michael Griffes, commissioner of motor vehicles, and Steve Jeffries of the Vermont League of Cities and Towns, who have not supported the National Voter Registration Act but have been helpful in making suggestions that in a number of cases have been adopted to make this legislation better than it would have been otherwise.

I thank my colleagues for their support.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—99

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

NAYS—0

NOT VOTING—1

Hatfield

So the amendment (No. 123) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized to offer an amendment.

AMENDMENT NO. 130

(Purpose: To make clear that the bill does not preclude a State from requiring documentary proof of citizenship)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. HELMS, and Mr. MCCONNELL, proposes an amendment numbered 130.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

Mr. SIMPSON. Mr. President, this is a simple but, I think, important concept. It allows States to check documents to verify citizenship. Please understand it does not mandate that the States check documents; it simply makes clear that this bill must not be interpreted to stop any particular State from requiring documents. This includes States which currently by State law check documents, as well as those who may wish to check documents in the future.

Unfortunately, California, which has one of the most sophisticated tamper-resistant driver's licenses available today, does not by law require documents proving citizenship for voter registration. According to the Census Bureau, 14.9 percent of California's population are noncitizens. According to the 1991 INS statistical year book, the most current assessment by the INS of

the foreign-born population in the United States, California has about 50 percent of the Nation's immigrants and about one-third of its refugees and asylees. Unfortunately, California also has large numbers of illegal aliens.

California has had several instances where voter registration materials were or may have been used to register noncitizens to vote. The most notable occurrence, I think this is striking, was in San Francisco where the U.S. attorney Russoniello conducted an investigation of bilingual ballot users on the information that many were noncitizens. Mr. Russoniello received information that persons were informing ineligible voters that they were in fact eligible to vote if they were married to a U.S. citizen—which only gets you a green card if you apply—or if they had lived in the United States a long time, which still does not get you citizenship. Also, the Spanish translation of the registration form erroneously stated a registrant "should be" rather than "must be" a citizen.

The investigation revealed that 27 percent of the persons examined proved to be noncitizens; 40 percent have no records so that citizenship could not be determined; and only 32 percent were, in fact, citizens. The investigation was apparently terminated without further resolution.

The San Francisco investigation and others demonstrate the reason why I think it is increasingly important for many States to require some form of proof of citizenship. I am extremely concerned about the problem of fraudulent documents. Fraudulent documents will greatly reduce the effect of employer sanctions, the law designed to take the job magnet out of illegal immigration.

While my amendment does not address the problem of fraudulent documents, I offer it in the expectation that some document verification process, instead of no documentation verification process, will discourage some noncitizens from registering to vote and committing the resulting felonies. I offer my amendment to try to ensure that States will continue to have the right, if they wish, to require documents verifying citizenship, but only, as I say, if they so desire.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. Is there any objection to considering amendment No. 130 in light of the fact it is the same text as amendment No. 127?

Mr. FORD. Mr. President, I reserve the right to object, and I do not think I will object. Is that the same amendment we were talking about with the distinguished Senator from New York earlier?

Mr. SIMPSON. Amendment No. 130 is not an amendment of mine, Mr. President. Yes, No. 130 is the third one in the series.

Mr. President, what was the suggestion of the Chair?

The PRESIDING OFFICER. The suggestion of the Chair was whether there was any objection to considering amendment No. 130, which has the same language as amendment No. 127.

Mr. SIMPSON. Mr. President, I will certainly agree to melding the two amendments. They are of similar nature.

Mr. FORD. I have no objection, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FORD. Mr. President, point of information. Are we now debating amendment No. 127?

Mr. SIMPSON. That is correct, Mr. President.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, if I may enter into a question or two with the distinguished Senator, I say there is nothing in the bill now that would preclude the State's requiring presentation of documentary evidence of citizenship. I think basically this is redundant, even though you probably put it in a section. But there is nothing in there now that would preclude it.

I see no objection to the amendment, and if the Senator wants to put his eloquence in the RECORD, I will be more than pleased to accept it and we can go from there unless there is some objection.

Mr. SIMPSON. Mr. President, I do appreciate the floor manager's remarks, and I will dispense with my eloquence then, at his request, and I appreciate that he will accept this amendment. I thank the cosponsors, and I thank the comanagers.

The PRESIDING OFFICER. Without objection, amendment No. 130 is withdrawn.

The amendment (No. 130) was withdrawn.

AMENDMENT NO. 127

The PRESIDING OFFICER. The pending amendment is amendment No. 127. The question is on agreeing to amendment 127.

The amendment (No. 127) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 128

(Purpose: To provide for the imposition of civil penalties for misrepresentation or fraud concerning citizenship)

Mr. SIMPSON. Mr. President, I send an amendment to the desk, amendment No. 128.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. HELMS, and Mr. MCCONNELL, proposes an amendment numbered 128.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. CIVIL PENALTIES FOR MISREPRESENTATION OR FRAUD CONCERNING CITIZENSHIP.

(a) IN GENERAL.—A person who engages in conduct that constitutes a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, shall be liable for a civil penalty imposed in accordance with the procedures stated in subsection (b).

(b) PROCEDURES.—

(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

(A) for persons to file written, signed complaints respecting potential violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code;

(B) for the investigation of those complaints which, on their face, have a substantial probability of validity;

(C) for the investigation of such other violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, as the Attorney General determines to be appropriate; and

(D) for the designation in the Department of Justice of a unit to prosecute violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code.

(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

(A) the Attorney General and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated; and

(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

(3) ORDER REQUIRING COMPLIANCE.—In a case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, a district court of the United States may issue an order requiring compliance with the subpoena, and any failure to obey the order may be punished as a contempt of court.

(4) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (5) against a person under this subsection for a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the Attorney General shall provide the person with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—A hearing requested pursuant to subparagraph (A) shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person resides or of the place where the alleged violation occurred. If no hearing is requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If an administrative law judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the administrative law judge shall state findings of fact and issue and cause to be served on the person an order described in paragraph (5).

(5) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY.—With respect to a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the order under this subsection shall require the person to—

(A) cease and desist such violations, and inform the appropriate State office that the person's name should be removed from the voter registration list; and

(B) pay a civil penalty of—

(i) in the case of a first violation, not less than $1,000 nor more than $4,000; and

(ii) in the case of a second or subsequent violation, not less than $4,000 nor more than $10,000 for each violation.

(6) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection.

(7) JUDICIAL REVIEW.—A person adversely affected by a final order under this section may, within 45 days after the date the final order is issued, file a petition in the court of appeals for the appropriate circuit for review of the order.

(8) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this section, the Attorney General shall bring a civil action in United States district court to seek compliance with the order. In such an action, the validity and appropriateness of the final order shall not be subject to review.

Mr. SIMPSON. Mr. President, I feel this amendment provides us with an important supplement for criminal penalties for falsely claiming to be a U.S. citizen. This amendment creates civil penalties to supplement the existing criminal provisions which make it a felony to falsely represent or attest to citizenship and to use fraudulently obtained proof of citizenship to get work or public welfare assistance.

It also allows a civil administrative procedure to determine the assessment of such penalties. If a person is found to have violated the current criminal provisions of the law and those sections are defined, then under my amendment a prosecutor may decide to bring a civil rather than a criminal action. Civil penalties for first-time violators are $1,000 to $4,000; penalties for subsequent violations can range from $5,000 to $10,000. The administrative law judge's decision is a final order appealable only to the Federal Court of Appeals.

Mr. President, the benefit of civil penalties is that they provide a more expeditious means of addressing the fraud problem. With Federal court dockets backlogged and U.S. attorneys swamped with drug and violent crime cases, document fraud cases can be adjudicated without resorting to the backlogged Federal criminal court system.

You may be interested to know that a similar provision was included in the 1990 immigration law, which Senator KENNEDY and I cosponsored, where we addressed the use of fraudulent documents to obtain immigration benefits. The INS has been very pleased with the process and has successfully brought actions against individuals which otherwise might have been left at the very bottom of the case pile in the Federal criminal court system.

Civil penalties have the additional feature of providing a penalty for fraud which does not require the alien to become a convicted felon. While civil penalties may not be appropriate in some cases, they may be appropriate in other cases such as long-time residents with families or citizen family members, who are otherwise law-abiding members of society.

I think this amendment is reasonable and supplements the criminal penalties provisions for citizenship status fraud. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD. Mr. President, this begins to weight this bill down. If you read the amendment, it is several pages of enforcement orders, judicial review, administrative appellate review, conduct of hearings, issuance of orders, cease and desist. We get into many, many different items. It becomes a very weighty position. It would probably create some problems that are not now anticipated.

We find that those penalties that are Federal penalties, because it is a Federal election, are sufficient. We have letters from the secretary of state of Texas. We have letters from many secretaries of state—Sacramento, CA; supervisor of elections in Tallahassee, FL; office of the county clerk in Chicago, IL, the Cook County clerk. All say there are sufficient penalties and sufficient provisions in this bill without going to such an elaborate document here.

So, Mr. President, I hope that my colleague will not pursue this. It just goes beyond what we hope that this legislation will do; that would be to, if it is a Federal election, have Federal penalties. We have gone into the fraud, abuse, and all that part of it. All the States indicate that we have done a pretty decent job of putting it together. The more we increase it, the heavier the bill gets. Then the more complaints we will have from local authorities as it relates to the bill. I hope that is not the Senator's intent here, to create more havoc.

I hope the distinguished Senator from Wyoming will not pursue this. But if he will, I will be forced to table his amendment.

I do not like to disagree with my friend too often.

Mr. SIMPSON. Mr. President, I appreciate the comments of my friend from Kentucky. We do our business with great vigor, the two of us. I do admire him and regard him highly as a friend and a very capable assistant leader on his side of the aisle.

But, respectfully, I do think that perhaps, one could read too much into my amendment. We are talking here of nothing more than allowing civil penalties to supplement existing criminal provisions. The reason for my amendment is, in dealing with issues which overwhelm law enforcement officials, that the criminal prosecutors, frankly, "don't like to mess with it."

We found this very clear in our work with immigration reform. That is why Senator KENNEDY and I put this provision in the Immigration Act of 1990. The INS has found it to be very helpful, because this is a sting you can perform. That is a civil fine. This amendment, for first-time violators, is $1,000 to $4,000, as I say, and subsequent violations range from $5,000 to $10,000. It leaves it to the prosecutor to decide whether to bring a civil action or a criminal action. Then, the decision of the ALJ, the administrative law judge, is the final order.

I do not think it adds layers to the process. Quite the opposite I think it gets to the point of what we are trying to do here. We are trying to prevent fraud and the use of falsely attested to and fraudulently obtained proof of citizenship. With this amendment we say: Allow us to use the civil justice system as well as the criminal justice system to accomplish this purpose.

My amendment is not intended to weigh down this bill. I feel that there will be more than several on our side of the aisle who will support this legislation if some of these things are done; not, perhaps, this one. I am not speaking for that. But it is not intended as a device to weigh it down.

Mr. MCCONNELL. Mr. President, will the Senator yield for a question?

The Senator, as a member of the Judiciary Committee, has had a good deal of experience with crime packages that have come out of the committee and been dealt with on the floor. Is it not true that our prosecutors, at all levels of government, criminal prosecutors, are under a lot of pressure to deal with murder cases, to try to get drug convictions, and deal with other crimes that are considered by the general public to be of overwhelming significance, so that criminal offenses such as the ones outlined in this bill are often just simply not given priority?

I am curious if my friend does not believe a civil penalty might be much more effective and more likely to get the desired results.

Mr. SIMPSON. Mr. President, that is absolutely correct. I tell my friend

from Kentucky—and I commend him for his fine work as floor manager of this measure—indeed it is true that these criminal items do not have top priority. They go directly to the bottom of the barrel. They remain there while the prosecutors are doing things that the public really wants. And by that, they mean just exactly what the Senator from Kentucky has said; drugs and violent crimes. These documented fraud cases just disappear into the vapors.

I think if we had a civil penalty provision, it would help us to reach what we are tying to; that is, discourage fraud. None of us wants that in this motor-voter legislation. We all agree to that.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. SIMPSON. Indeed.

Mr. FORD. If every State has a requirement for citizenship and it is already in place, why should we get into this? Not being a lawyer, it makes it difficult for me to understand why we need this when most States have a requirement of being a citizen in order to register to vote, anyhow.

Would we not be duplicating State law, and the Federal law now would be loading up State law?

This will go into minute detail, as far as I am concerned, as to how the States should operate. If the States already have a requirement to be a citizen to register and to vote, I do not see why we need to add any more to that.

Mr. SIMPSON. Mr. President, I do serve as a member of the Judiciary Committee, where we process legislation, where we try to refer both criminal and civil jurisdiction, when we are trying to reach an issue that is, because of overwhelming workloads, not a top priority of the prosecutors.

But what we are trying to accomplish here is simply to provide the civil procedure, the administrative law judge measure. No States have criminal statutes relating to citizenship status fraud. Nor do any States which I know of have civil fines relating to citizenship status fraud.

There are about 14 or 16 States now that request documents when you register to vote. But that is another matter.

There are no States which individually provide any kind of fine or criminal penalty for citizenship fraud.

Mr. FORD. If States require you to be a citizen and they do not have any penalty, criminal or civil, it appears that there is no teeth in it. But according to the letters that I have been receiving from the States that endorse or support this legislation, and those who have instituted some type of motor-voter and maybe basically the same aspects of this bill, they have seen no increase in fraud, no increase in those trying to register that are noncitizens. In fact, they find it very palatable, because you have to give all this information to get a driver's license and, normally, then you attest that you are a citizen, and they take your picture.

It seems to me that that is quite a deterrent, rather than getting into general parts of this complaint, investigations, authority in investigations, and you go to the Attorney General, administrative law judges, an order requiring compliance, and then you have a hearing and then the conduct of how the hearing is held, the issuance of the orders, cease and desist orders with civil money penalties, administrative appellate review, judicial review, enforcement of orders; and you continue and continue to put all this weight on local officials, when they now have the ability, I say to my friend. And we just agreed to an amendment—I did—that allowed the States to ask for documents. I thought that would probably be sufficient.

But now we are getting into, I think, an overburdening of the States with these requirements, to tell them how to do it and how not to do it, and what procedure to follow. It is not a criminal penalty, just fining some money. They are very reluctant to sign and have their picture made and go through all that. There is very little fraud, according to the States that have the so-called motor-voter, or a registration form.

I believe the Senator has gone further than is necessary here in this particular amendment. I hope that we can work out something that would not be quite so burdensome on the States.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, I want to work toward that, too. I represent a State that has a very able secretary of state, who is a Democrat, a woman named Kathy Carpin, who is a friend and a very able person. She has been resisting the whole concept of motor-voter. It is going to cost the State of Wyoming a great deal of money. It is going to cost our 23 counties a great deal of money, and I think that those who vote against this measure, after it has gone through the legislative amending process, those who will be voting against it are simply voting against a bill where we have dumped the cost on the States.

There are States that do not have motor-voter, and those are the States that have a lot of illegals. California never would have gone to motor-voter on its own or, perhaps, New York, because they know that they have a serious problem with illegals. Unless a State checks with the INS, there is no possible way of proving that someone is not a U.S. citizen.

And the reason you do not hear much about fraud at the voting place is that those are clerks, Democrat and Republican, election judges and clerks—are not responsible for the validity of the documents that are presented.

This is what is wrong in America today. There is so much fraudulent documentation and so much gimmicking of the system. You can buy, within 500 yards of this building, any document you want to get yourself further on in the structure of society, whether it is a fake green card, voter registration card, passports, or driver's license. That is what is wrong with the country right now with regard to illegal immigration. So, election judges are not going to ask that.

It is not this bill, or my amendment, that has imposed the criminal penalties that I have described. I am just adding a civil aspect to it. The criminal burdens for citizenship status fraud under this bill are rather tremendous, and all we are doing is saying you can prosecute civilly, too, instead of criminally.

We are just saying: Let us set up a procedure where you can do something with regard to civil fines. It is not intended to bring down a bill that the Senator from Kentucky has worked on and invested a tremendous amount of his life into, but I think it is worthy of giving them that option.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD. Mr. President, I am not going to take too much time, and I will move to table. I really do not want to do it, because I would like to visit with my friend and see if we can work out something. The secretary of state in California endorses the legislation without the civil penalties. We have a letter from the board of elections of New York endorsing our piece of legislation.

It seems to me that with the mail—they also have mail registration—and they have not indicated any problems with fraud. I go back to when you look at Texas, Florida, New York, California, and others, and you get Mississippi, and you have a statement from the secretary of state there that they are content with this bill, and they think it will do what is in their best interest. And then we are telling a State to put on more—if I did not have a bill, sure, you would not have to put this on, I understand that; that does not take a brain surgeon to figure that out. But I think this goes too far. When you say California, New York, and talk about those States, we have documents from their people that say our bill is sufficient. The penalties are what they feel is necessary and does not go beyond that.

So I hope that the Senator will not force me to table his amendment, but I guess maybe I will have to do it, and we will have a vote here shortly.

Mr. SIMPSON. Mr. President, I was reflecting—we do not know whether or

not California or New York or other States have thought of a civil penalty. I do not think those States would oppose the use of a civil penalty since, obviously, their criminal systems are tremendously burdened. But I do understand the feelings of the Senator from Kentucky. I do not know what more could be said.

I certainly understand the effort to make a motion to table, and that should certainly take place, and nothing could be done about that. But I do know—and I want the record to show—that this amendment is not intended to freight this bill with something unworkable. I think it would be something very workable for the States to consider, having the ability to consider assessing civil penalties rather than criminal.

Mr. President, as the sponsor of the amendment, I ask unanimous consent that we temporarily set aside the amendment at this moment, until further agreement with the managers of the bill.

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

Mr. FORD. Mr. President, would it then be that we would bring up the third amendment from the Senator from Wyoming, that is, amendment No. 129?

The PRESIDING OFFICER. Amendment No. 129 offered by the Senator from Wyoming will be the next in order.

The Senator from Wyoming.

AMENDMENT NO. 129, AS MODIFIED

(Purpose: To provide for a study to determine whether, after enactment, as many as 3.0 percent of persons who are registered to vote are noncitizens, and if that is the case, to provide expedited procedures for sunsetting parts of the bill)

Mr. SIMPSON. Mr. President, while my colleague from Kentucky is here in the Chamber, I do present the amendment No. 129. I call that up and ask unanimous consent to modify it by changing the first word in line 13 on page 2 from "privacy" to "primary." It is a misprint. It says, "the number of noncitizens that vote in the privacy * * *."

Mr. FORD. I thought they vote in private.

Mr. SIMPSON. They do vote in private but they do not vote in privacy or whatever the other word is similar to that.

So it says, "* * * primary, runoff, and general elections * * *," and I thank my colleague, but I am going to present it to him.

Mr. FORD. That is all right. The Senator can modify it.

Mr. SIMPSON. We will accept that.

Mr. FORD. He has a right to modify his amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. SIMPSON. Mr. President, let me go forward with the amendment. I ask that the amendment be read with the typographical correction to the word "primary."

The PRESIDING OFFICER. The clerk will read amendment No. 129, as modified.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. HELMS, and Mr. MCCONNELL, proposes an amendment numbered 129, as modified.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION OF NONCITIZENS.

(a) DEFINITION.—For the purposes of this section—

(1) the term "6 States that receive the largest number of immigrants" means the 6 States that, as reported in the Immigration and Naturalization Service Statistical Yearbook for fiscal year 1991, received the largest number of immigrants.

(b) STUDY.—The Attorney General shall conduct a study, in at least 3 States that are among the 6 States that received the largest number of immigrants to determine, as specifically as possible using the best available statistical and other methodologies with respect to the period beginning on the date of enactment of this Act and ending on the date of the general elections for Federal office in 1994—

(1) the number of noncitizens that apply for voter registration during that period;

(2) the number of noncitizens that are registered to vote in the primary, runoff, and general elections for Federal office in 1994;

(3) the number of noncitizens that vote in the primary, runoff, and general elections for Federal office in 1994;

(4) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to violate immigration laws (including sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c)); and

(5) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to apply for or obtain Federal public benefits.

(c) REPORT.—Not later than November 30, 1995, the Attorney General shall submit to Congress a report describing the results of the study. If it is determined in the study and report required by this section that more than 3.0 percent of all persons registered to vote in the primary, runoff, and general elections for Federal office in 1994 in the States that are the subject of the study are noncitizens, section 6, Mail Registration, and section 7, Voter Registration Agencies, shall terminate 15 days after the report is submitted to Congress.

Mr. SIMPSON. Mr. President, in all 50 States, only citizens can vote in Federal elections. Noncitizens who register to vote or otherwise represent themselves as citizens are committing one or more felonies.

My amendment requires—please understand—the Attorney General to study citizenship status-related fraud occurring through the 1994 election cycle. The study, due on November 30, 1995, would be of at least three of the six States receiving the most immigrants.

You wonder why I bring these issues before you. It is only because I have chaired the Immigration and Refugee Subcommittee. I have served as ranking member under Senator KENNEDY, and now that subcommittee consists of Senator KENNEDY, myself, and Senator SIMON. We are not doing this as a subcommittee response, but there are six States that receive the most immigrants in the United States, and they are California, Texas, New York, Florida, Illinois, and New Jersey, as reported in the INS 1991 statistical yearbook.

The survey of those impacted States, I think, is essential to any kind of thoughtful assessment of fraud by noncitizens. It is directed in this amendment that the study shall determine several types of fraud by noncitizens applying for voter registration, the number of noncitizens actually registered during 1994 Federal elections, the number of noncitizens voting in the 1994 Federal elections, the number of noncitizens that use voter registration materials to violate immigration laws, and the number of noncitizens who use voter registration materials to apply for or obtain federally funded public benefits.

Those who are on the other side of the issue argue that the motor-voter bill will not—I have heard this thoroughly throughout this debate and I have been listening—create or facilitate fraud.

I happen to disagree with that position. I believe it will. And I believe also that we should get the cold, hard facts as to whether that is the case.

If my colleagues on the other side of the issue are correct, then they should welcome, I think, this report. Not only would it not assail their position; it might actually support it. What do you have to lose, if there is no fruad?

On the other hand, if the bill does create or facilitate fraud, as I and others here in this body believe that it may, then this report will establish the level of fraud involving citizenship status. If the fraud is there, we will know about it.

If more than 3 percent of all persons registered to vote in the States studied are noncitizens, then only portions of this bill will be sunsetted—the mail-in registration section and the public assistance offices and other "voter registration agencies" section. That is a quote from the bill—"voter registration agencies". Those registration provisions only would sunset.

The motor-voter registration would continue but opportunities for fraud, it is my feeling, are greatest with the mail-in, public assistance, and like agencies.

A friend of mine 10 years ago was telling me recently that at a booth in

the airport in one of the cities of California it said "voter registration." So, he registered. He said, "I answered the questions. It was under oath, and I answered the questions."

He is a Wyoming resident.

He said, "I just wanted to see what would happen."

He said for 10 years he received an absentee ballot in Wyoming from that exercise.

That is what is going to come in from mail-in registration. We all know that if human beings are involved, we will have these kinds of situations. Mail-in registration under this bill and registration in public assistance offices, and like agencies, frankly, gives us all a terrible bit of concern—more than bit—an awesome amount of concern.

None of us, Democrat or Republican, want fraud in the voting process. It is a very precious, precious right, one of the most important rights of citizenship.

My amendment is to try to find out the extent of citizenship-related fraud in up to six States that are most heavily impacted by immigration and, if the level is unacceptable, then let us go back to the drawing board. I think we would have nothing to fear from that investigation, and that is the purpose of the amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I commend my colleague from Wyoming for offering this amendment. I join with him in support of this amendment. I think the provision for providing for sunset of that portion of the legislation that would be affected is reasonable, 3 percent of the total registration. In my State that would mean that you have to get close to a quarter of a million voters who are not citizens before this would be applicable.

We want to enfranchise people and encourage people to participate in the greatest democracy known to man in the selection of their public officials, but to permit the diminution of those who are citizens by allowing hundreds of thousands of people who are not citizens to vote is a disservice. It is a disservice to every citizen who casts his ballot.

I cannot understand for the life of me if we are really not talking about attempting to gain partisan advantage why it is that this provision would not be accepted.

My colleague did not pick some number that is minuscule. I say look around to find out how many elections at the local level, at the congressional level, and at the Senatorial level have been decided by less than 3 percent. I have to tell you that we are talking about significant numbers.

And there have been studies made in certain areas in which the Immigration and Naturalization Service, in reviewing a House election in 1989, a special election in Florida, that confirmed that fully 11 percent of all ballots of those people born out of the country were cast by noncitizens. The Immigration and Naturalization Service reported there was reason to believe that in this Federal election the incidence of illegal aliens voting, among all ballots examined, were as high as 24 percent.

Now, certainly, at some point, at some time, we have to say, enough is enough. We have enough problems with illegals pouring in here. And that is another subject that will be subject of another amendment that my colleague and I will be offering.

But if you are going to just simply now reward people and give them the indicia of citizenship, as is now being done, and now make them eligible for being on the voter list, which we will be doing, make no mistake about it; absolutely.

Mr. President, let me tell you that in my election that just took place this past November, they had well over 100,000 paper ballots that were thrown out. The largest percentage of them were people who were not eligible to even vote.

And so, let us understand: When people begin talking about the business of making it possible for citizens to vote, that is one thing. But to open the floodgates and doors to those who are not citizens of the United States to be determining who shall be elected and who will not, that is just wrong.

My colleague has put forth, I believe, a very logical manner to examine the impact of this legislation and to see to it that if there are the kinds of abuses that some of us fear, that at least we can curb some of it. We are not going to be able to curb all of it. We are not going to even be able to curb most of it. But we should at least not make it so easy to commit this kind of voter fraud. And that is exactly what I am concerned about.

I think my colleague from Wyoming should be commended, because voter fraud should be discouraged, absolutely. You dilute the votes of honest citizens, regardless of what their political party is. You diminish it every time someone votes who is not eligible to vote.

Three percent, again, in California would bring you well over a quarter of a million. Imagine, we would say we are not going to do anything unless we have a quarter of a million people on the voting roles who are noncitizens. Only at that point do we begin to cut back on this so-called enhanced ability to get people to vote. We should not be enhancing the ability to vote of people who are not citizens.

Now, look, that is my perspective. I guess a lot of the liberals will get up here to take me to task for that. But I do not think that is what we want to do; to allow people who have no business voting at all to do it with impunity and to not even conduct a study to see to it that we are not diminishing the voting power of our legitimate voters and citizens. And that is exactly what happens if we allow a situation like this, a law to pass like this, and have no ability to ascertain or to determine if you have 5 percent or 10 percent.

And let me tell you, there are those people who are unscrupulous and who will absolutely go and line them all up and have them all register, no matter who, so that they can determine the outcome of elections. If you want to have citizens voting that way, fine; people who are not qualified, that is just plain wrong.

So I commend my colleague. I hope, in a bipartisan spirit to say that we do not want to encourage voter fraud, that we would accept this thoughtful approach and this thoughtful amendment.

Mr. SIMPSON. I thank my colleague from New York. He comes from a State deeply impacted by this.

Let the record show, when people are asking about the impact of this amendment, how many people is 3 percent.

As reported to the Federal Election Commission by each State as of October 1992—and remember that the registration numbers in the 1992 election were higher, since these numbers are only as of October 1992—in California, with 14 million-plus registered voters, 3 percent of that is 423,000; Florida, with 6 million voters, 3 percent would be 182,000. The 3-percent requirement would mean that at least 1.37 million noncitizens to register, if all 6 States are studied. That is a huge figure.

We could have set it at a different figure, but I think anyone would agree that 3 percent, if 1.37 million people are voting in these States—and that is what it would take to trigger this, and then it would trigger it only as to the mail-in and public assistance office sections—that is an unacceptable level of fraud.

I can tell you, in my travels with immigration and refugee issues, we know that aliens fraudulently register to vote. A Federal grand jury investigating voter fraud in 1982 and 1986 reported:

> Many aliens register to vote so they can obtain documents identifying them as U.S. citizens; however, the number of aliens who actually voted is undocumented. We have learned that these aliens use their voters' cards to obtain a myriad of benefits, from Social Security to jobs with the Defense Department.

The U.S. attorney was not able to document the extent of it.

The INS then went on to describe one in Florida, another State affected here, saying that:

> In 1989, INS surveyed a special Florida election and found that in that election, 11 percent of all ballots of foreign born voters

sampled were cast by noncitizens. Furthermore, the INS reported that there is reason to believe that in this federal election, the incidence of illegal alien voting among all ballots examined was as high as 24 percent.

So we think citizenship status fraud is an issue—if we are all interested in assuring that fraud does not take place. I think that this amendment is something we should adopt.

Mr. President, I look forward to the arguments in opposition to my amendment. I wait with bated breath.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, this amendment makes an emotional appeal. No one is better at that than the distinguished Senator from New York. He makes statements that sound good. But what this amendment does is that if three States are found to meet the criteria under this amendment, all 47 fall. You disenfranchise my State, and we may want it. But under this amendment all States fall. I think that is stretching it a little bit far.

My distinguished friend from New York said 100,000 ballots were not eligible, they were thrown out during the campaign. He did not say how many of them were by not illegal aliens, but were people who were not registered to vote who were American citizens who were allowed to vote by the clerks and the judges in the precincts. That is where part of your problem might be. But those ineligible to vote could have been—and overwhelmingly, probably were—American citizens that the clerks and the judges allowed to vote at the precinct.

So, when you say 100,000 of them, you paint with a broad brush they are all illegal aliens. But they probably are not. They are probably in the minority.

If we listen to my colleagues on the other side, they want to kill this bill. They do not want this bill. No way. All you have to do is get a few more on this side and you kill it.

Now you are trying to load the bill up so that we would have studies. This gives excessive authority to the executive. The FEC is already required to study the effectiveness of the bill. Another study? That is just a waste of funds. The purpose of the study is that—the minority gave us a package of amendments. That was not a concern in that core package. We accepted the core and now we are getting all kinds of other amendments. I am not sure, but I think that pattern is beginning to develop that once we agree and work our hearts out to find a core that would be acceptable, now we are being loaded on. I understand that, but I am not going to let that happen if I can prevent it.

So we already have a study authorized. If you allow 3 States to disenfranchise 47 others, you are getting to me. My State will be disenfranchised. If they want the motor-voter, they would not be eligible. The amendment of my distinguished friend from Wyoming is to report back to the legislature. Under this amendment the report is to the executive, which would veto portions of the bill.

Who has control of passing laws here?

We are saying report it back to the executive, and the FEC reports back to the legislative branch.

Mr. President, this is just another attempt, maybe an honest attempt, to correct the bill. But when you begin to analyze it, it is loading the bill to a point where we cannot carry it much longer. Under the fraud protections of this bill is the written attestation clause on all applications that the applicant meets the eligibility requirements to vote. We also agree it would be the same size and the same color and everybody's would be uniform. It would be understood which requirements must be specified on the application, and that includes citizenship.

Maybe they do not care. But I have a little more faith, I guess, in people than other people do. I understand the Bible says, "Faith, if it have not works, is dead." But we have to have faith and we need to work at it, so I think we have.

The application must include the signature of the applicant and state that it is signed under penalty of perjury. That would make me stop and think. And I think the people who were illegal here would be very reluctant to sign that, subject to Federal law, Federal penalty. So I think under the penalty of perjury—I think they will understand that very well.

The State may require by law that a first-time voter who registers by mail make a personal appearance to vote. It is very simple. If you register by mail, make a personal appearance the first time you vote. And if you have a driver's license, they can look at it. You have your picture on it. So the State may require a first-time voter who registers by mail make a personal appearance to vote.

Now we get back to clerks and judges. He is eligible to vote, mailed his papers in and so forth. They let him vote. But if he is not eligible they should not let him vote.

So, apparently, we had 100,000 ballots that were thrown out. They were ineligible. But that does not mean that they were illegal aliens, of that 100,000. They were just people from New York State, New York City, who voted and were not eligible, so beyond the precinct they were thrown out.

I understand a little bit about voting and the laws of some States. This act requires each applicant be given notice of the disposition of his or her voter registration application. Many States use this notice provision as a means of detecting fraudulent registrations. It can be done. There is no problem with that.

Federal criminal penalties would apply to any person who knowingly and willfully engages in fraudulent conduct.

I think we have gone pretty strong. People think we have gone maybe too far in some cases. I like it. I think we have gone about right. There is too much to impose on the States sometimes.

The bill requires the States conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official list of eligible voters by reason of death or a change of address. To accomplish this goal, the act permits the States to use the national change-of-address program. It is used and it has worked well. By keeping the list current and up to date and free of so-called deadwood, the opportunity for voter fraud is reduced considerably.

We make every effort here. Now we are beginning to just lean, and lean, and lean on one item which requires a study. Pick out three States. If those three States meet 3 percent, then all the States are out. It seems we have gone just a little too far on States that would like to carry out this program, that were doing it well. People are registered and we are getting them to vote. They are participating in Government. We are reconnecting the citizens with their Government. They have the opportunity to vote.

I hope we would not continue to have amendments and amendments that just add problems and problems and costs and costs onto this piece of legislation, because it is getting awfully weighty as it is. And the amendment we all supported a few moments ago cleared up what I thought was basically the core that side wanted. I came as close as I could. Apparently those on the other side of the aisle voted for it. It was 99 to nothing. I thought now that you are used to voting "yes," we might keep the trend going. But I am not sure that is going to happen.

So, Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, I want to get something very clear with my friend from Kentucky, because we do that very up front. I have no desire to destroy his bill through my amendments. I want that very clear. I am presenting these amendments as a conscientious, I hope, and very authentic action on my part to try to make this a better bill.

I do not like the bill. I voted for the core package because I saw the work that went into that package by the Senators from Kentucky—both of them. But I have legislated for 30 years, and if I were up to a pattern of

destruction here you would know a lot more about it than is evident right now. I do not have that. In fact there is no time agreement. I hope we can get vote here. The Senator from Kentucky has been very charitable, allowing me to set aside the previous amendment. We will bring that up and maybe do them both at the same time. That would be perfectly appropriate for me.

But here is the important thing. We are talking about fraud. If you want to get emotional, let us talk about fraud. If you will tune in for 2 minutes, you will realize just what the voter registration card means to somebody who is a phony, and in this country illegally. It is the clarion call. People do not realize the voter registration card is a vitally important document for an alien to have who is in this country illegally. The voter registration card will get you a job, and let me tell you there is not anything more important to the illegal person in this country than the job. There is no other mantra to be worshipped or carried than the job, and you can get one if you have a voter registration card. It is one of the documents, by law, that may be presented to an employer to establish work eligibility. That is the law of the United States.

How many undocumented workers, illegal aliens, or whatever euphemistic term you want to use, are going to turn down the opportunity to receive the most precious voter registration card when he goes in to get a driver's license? Tens of thousands of illegal aliens apply for and receive driver's licenses every year.

Why would an illegal alien decline in writing to receive that card? That is what this bill says, to "decline in writing." We certainly should not be led astray in thinking that they will be deterred by the attestation on the application. Every time an illegal alien takes a job in this country, he signs under oath that he is eligible to work in the United States under penalty of perjury. He is not deterred by the penalties on the employment form in any way, and there is no reason to believe he would be deterred on the voter registration form, assuredly. Remember, again, every time an illegal alien takes a job, he or she signs something under penalty of perjury and they do it all the time.

Realistically, will the threat of perjury prosecution prevent anyone from lying without a check of documents verifying citizenship? Election officials are going to have to rely on people to tell the truth. Is this enough to ensure the integrity of the voting process? I think it is going to be terribly difficult to discover noncitizens illegally registering to vote without requiring citizenship documentation. If they are not discovered, they are not prosecuted.

Is this some really meaningful deterrent to illegally registering to vote? Even if we assume officials are able to detect most fraud, is it realistic to think crowded Federal court dockets can accommodate numerous perjury prosecutions?

Get this one. Here is the example of the day. You can get anything you want with this bill; we will get right to it. What about the situation where a noncitizen, maybe an illegal alien, unknowingly or unintentionally applies to register to vote? Let us say an illegal alien—like the driver of an Attorney General designate of fame a few weeks ago, or Mohammed Salameh, or the people thought to be involved with the World Trade Center bombing—need a driver's license. Under this bill, Mr. President, this alien is going to go into the department of motor vehicles in the State where he or she is seeking this document, which will also allow them to work, and he will get an application for a driver's license. This bill incorporates the voter registration application into a driver's license application, he fills out the application.

Not wanting to call attention to himself or herself, the alien does not decline in writing as required by the bill and signs the attestation instead. Maybe the alien does not really fully realize what it says. Many of them do not. Maybe he thinks that the perjury penalties are not pursued or less risky than exposing his illegal status. Whatever the justification, this alien, this person, this undocumented, this noncitizen has just illegally registered to vote. He has committed a felony under sections 911 and 1015 of the Criminal Code which say "Whoever falsely and willfully represents himself to be a citizen of the United States 'and' whoever knowingly makes any false statement under oath relating to citizenship." Will this illegal alien then vote? Maybe, maybe not, especially if the alien does not want to call attention to himself or herself.

But the voter registration card he now possesses is the ticket to a job. He can use it as a work authorization document under the present laws of the United States or present it to an employer in this country to satisfy the employer sanctions documentation requirements of the law. The card itself is a valuable proof of citizenship, even if the holder does not use it to vote.

That is where we are. It is not about the bill of the Senator from Kentucky. It is not about being hardnosed or trying to destroy the legislation. It is called real life in America today, and we are going to be dealing with an amendment either here on this bill or somewhere in the immediate future that has to do with dealing with people who misuse our laws.

That is where we are. I think we know better—I hope all realize—what the purpose of this amendment is. And that is if 1,370,000 noncitizens in these 6 States register to vote, parts of the bill sunset. We ought to do something about this bill and the mail-in provisions of it. That is the subject of my amendment.

I thank the Chair.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, some people got the impression that all 100,000 plus votes that were thrown off were all illegal aliens. That certainly was not my intent. My intent was to demonstrate to people we already have problems with massive numbers of people in elections who are not eligible to vote and seek to vote. I am certain that a significant number of those who were declared ineligible were not citizens. They may not have been illegal aliens, and I am certain that some of them were illegal aliens. I have no way of knowing whether it was 15 or 20 percent of that 100,000 plus who were not permitted to vote because they were found ineligible, but I will tell you this: It was a significant number.

When we refer to some of the limited studies that have been made in the Florida special election where it was demonstrated that clearly as many as 24 percent of those who voted were not eligible to vote because they were not citizens—you want to talk about loading the bill up? I want to tell you some things.

When you say that you have to have more than 3 percent to take corrective action, I think that is more than reasonable. That would be about a quarter of a million voters in New York, as my colleague pointed out, over 400,000 voters in California before you say, wait, let us look at the manner in which they would be doing this and those portions of it as it relates to the mail-in, et cetera, would not be permitted.

As it relates to disenfranchising all of the States and keeping them from participating in motor-voter, there are already a significant number of States that do that. So if the people of the State of Kentucky or any other States want to opt into motor voter, they have the right to do that. We are not telling them not to do it, but we are suggesting that where there are incidents of fraud, of theft—and that is theft. When people are voting who are not permitted to do so because they are not even citizens and, therefore, not eligible, it is not a matter they did not register, we are talking about people who are not eligible to vote pursuant to the Constitution of the United States. Why do we not change the Constitution and say anybody who comes to this country, we will let you vote; just walk on in and vote; anybody can vote, you do not even have to walk in, just mail. So we will just give it to the ward heelers and to and cast all their absentees.

There are enough abuses as it relates to that process, but now we open it up

to more. I am not being emotional; I am being practical and real. The fact of the matter is, you have a tough enough time weeding out those people who are ineligible now, and now we are just going to open the door and we are going to say just anybody who wants, you come and vote. We do not care whether you live here or not.

In the real world, not make believe and not on the floor of this Senate because this floor of the Senate is not the real world, do you really believe that an illegal alien is worried about committing perjury if he or she even knows what they are signing? They go to the welfare counter. They are given a form. Do not forget they are not even supposed to be getting welfare in some of these situations and they are signing up and getting it. Do you really think they are worried about a form where on the bottom you find printed that you make this statement as it relates to citizenship under the threat of perjury? What would we do, lock up all the illegals who are coming on to vote? Where would you put them? I think we have to get into the real world.

Talk about the real world. The real world is not some form that says if some illegal alien signs this document and says he is really a citizen and eligible to vote, he is going to go to prison. That is nonsense. That is hokum. If any State wants to adopt motor-voter, then they can still do it.

By gosh, there ought to be some point in America when we see to it that the system is not abused. The people are not worried about the fact of loading up a bill that says there is a test. If you come to the point where we have hundreds of thousands of people who are participating in the democratic process who are not entitled to be voting and therefore disenfranchising voters, diluting the value of citizenship and casting one's vote, we have a right to see to it that that does not happen.

I have not offered any amendments to attempt to kill this bill, not one. I have my own considerations as to what I think may be abuses. I think that is perfectly and legitimately the role each and every one of us should play in considering legislation. It is not an attempt to kill, but it is an attempt to make it better and to give to the Justice Department the opportunity to review, to take a look at this and conduct a survey. And if it meets and falls beyond that, why then we should do something. If you have massive voter fraud, then we should be doing something.

I have to tell you something. For too long we have been too lax in the administration of all of these rules as it relates to those who come into our country and take advantage of the opportunities we provide. I am talking about the criminal aliens, the illegal aliens, and the fact that this administration and the previous administration have failed to move.

This is a new administration. I hope they have learned from some of the failures of the past administration to close some of the gaping, gaping holes in which hundreds of thousands of illegals are pouring into this country annually and will do something about it.

We talk about the medical costs. Well, let me tell you, go to any inner core city and see how many aliens are flooding the waiting rooms of the hospitals. Talk to the doctors and nurses to see the incredible burden placed on the health care system and the tens of millions of dollars in each and every one of these metropolitan areas that are being paid out because illegal aliens are taking advantage of the system. Ask any of the school administrators in your inner core cities and your metropolitan areas and find out how many tens of thousands of illegals are coming in and burdening the schools.

Now we are going to dilute the votes of citizens by permitting wholesale—wholesale—plundering of the voting rolls by those who are not entitled to vote. That is what it is. It is plundering of the voting rolls.

So, if you are afraid at 3 percent to say, no, we stop it and we are going to protect American citizens, then let us have it known.

On the one hand, you can say we want to kill the bill. No. We want to make the bill better. We want to make sure we are not having a wholesale plundering of the voting rolls. I think this amendment is a good-faith amendment. It is a good-faith effort to make a difference.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, the office of the secretary of state from Minnesota:

You may be interested to know that Minnesota requires prospective drivers to present a birth certificate or surrender a valid license from another State prior to issuance of a Minnesota driver's license. Although noncitizens may obtain a driver's license, I do not have the impression that these individuals are attempting to register or to vote in our elections.

That is a pretty good indication.

Again, the challenge process described may be used by the election judges at polling places to safeguard this type of action.

So they are a State that reports on this particular amendment.

And then we have New York:

It is encouraging that Federal legislation to establish national standards for the electoral process will soon become a reality.

I hope he is right.

Many of the provisions of this bill have been initiated by the board of elections in the State of New York and in particular mail registration would provide both the voter and the board the ability to process new voters and any change to the current registered voter records prior to statutory deadlines.

And they compliment and encourage that we pass the bill as is. And that is the executive director.

Now we have one from the Board of Elections Commission, Chicago, IL:

The City of Chicago, as is generally known, has long experienced many difficulties with vote fraud. These difficulties have resulted in the establishment of a stringent registration and voter verification procedure in our city and State. As a result of our current system, our registration rolls are accurate and up to date. The fact that our current voter canvassing methods are uniform and nondiscriminatory throughout the city would suggest this condition prevails throughout the city.

The National Voter Registration Act appears to strike a reasonable balance between the rights of a voter—

Remember now, the rights of a voter—

to be able to readily register and vote and the compelling need to ensure integrity of the registration process in order to avoid the problems of government voting and other methods of voter fraud which have plagued our city for more than a century.

Now, there is Chicago. They admit they have had problems. They admit that they are beginning to clean it up. And they say:

Whatever problems of compliance may be encountered in complying with the act can and will be handled by us in due course. The overriding benefit of the National Voter Registration Act is the degree of nationwide uniformity in registration.

So that is New York, that is Illinois, Chicago, and that is Minnesota.

Texas:

It is my belief that adoption of S. 460 will reduce rather than increase the likelihood that noncitizens will be registered.

Mr. D'AMATO. Who said that?

Mr. FORD. Secretary of state of Texas.

Mr. D'AMATO. He could join in with Daley's machine.

Mr. FORD. I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. D'AMATO. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Kentucky wish to yield for a question?

Mr. FORD. I will be glad to

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Is the Senator suggesting that voter theft over the years in Chicago would be the determining factor as to ascertaining that this legislation is going to reduce voter fraud? I wonder under what theory does he advance this? Do they purge the cemetery list of people who died against the voter registration list? Is that something new that they do?

Mr. FORD. The Senator was talking about illegal aliens registering to vote

and voter fraud. Those people who I just quoted indicate that the motor-voter legislation would help to reduce illegal aliens registering to vote and voter fraud. Even the Senator's State has a letter saying that it would help.

Now, if you want to leave it as of today, you will have another 100,000 in the next election, I guess, who will be ineligible to vote. You throw those out.

(Ms. MIKULSKI assumed the chair.)

Mr. FORD. Under this provision, they will sign, and then they are subject to 5 years in Federal prison and a $200,000 fine. That is not local; that is Federal. So these penalties are imposed and written in this agreement, the same size, the same color, so those that would sign would understand.

So we have the secretary of state of Texas; we have Chicago; we have the secretary of state of Minnesota; the secretary of state of California. So we have these people that deal with it every day, and have the legal responsibility of carrying out the election in each of the States, that are complimenting us for doing what we are doing. They say it goes far enough.

Mr. D'AMATO. If I may make this observation.

Mr. FORD. I thought I would let myself be open for a question.

Mr. D'AMATO. If I could be permitted, without yielding the floor, to make an observation as to the point the Senator just made, and it is simply this. I recognize the work and the effort that the distinguished senior Senator from Kentucky has put in this bill. I really believe that this would cut down on the incidence of fraud. I am glad the Senator points out there is a point of view that indicates that. I want my colleague to know that I would be very supportive of this legislation because I have spoken to this one amendment that I believe that could help reduce the incidence of fraud. It is not to kill the bill. It is to attempt to deal with that.

I want my friend to know that, again, if I honestly felt that it would reduce the incidence, I am harking that there are some distinguished governmental officials at the local level who believe that it might.

So I just leave the Senator from Kentucky with that thought. I thank him for giving me the opportunity to make that observation.

Mr. FORD. Madam President, it is hard for me to say to the secretary of state of Texas, "You are wrong," when he writes a letter and signs his name to it, and says this bill will help us reduce the registration of illegal aliens, and fraud.

We are putting a Federal penalty of 5 years, or $200,000, or both.

That begins to make me think a little bit. My distinguished friend from Wyoming said if you are a fraud, you are a fraud. We already have them. They have already registered, most of them. But you do not have a Federal penalty that puts them in jail for 5 years, and a $200,000 fine.

So we are helping some here, at least in my own mind, not being a talented legal graduate or judge; but just sitting on the jury or sitting and listening to what you say, this appears to me to be a deterrent. But what we are doing now is trying to load up this bill with extra work, extra cost. I thought we were trying to reduce the cost and trying to put penalties that would be sufficient to support this position.

So, Madam President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I ask for the yeas and nays with regard to my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Thank you, Madam President. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, thank you.

I rise today to support this legislation. I am always grateful when my colleagues allow me to point out how the citizens of Washington State are ahead of the Nation in many areas. I was able to do it earlier this year on family leave. Today, I can do it on motor-voter.

The State of Washington initiated a motor-voter program over a year ago, and it has proven to be an enormous success. More than 218,000 people registered to vote last year through the motor-voter program in my State. That works out to more than 4,200 citizens registering to vote each week.

The citizens of Washington recognize that the rest of the country is long overdue for positive change in voter registration. Today, we have the obligation not only to remove administrative barriers to voting, but also to encourage participation in our voting process.

Listen to the numbers in Washington. Nearly three-quarters of the eligible population is registered. Two-thirds of the eligible voters actually made it to the polls in the last election.

I have heard a number of arguments raised by the opponents of this bill over the last week. One is that motor-voter will lead to fraud. Washington State does have a significant population of non-U.S. citizens, and after processing 230,000 registrations, Washington State's secretary of state, a Republican, tells me that he sees absolutely no evidence of noncitizens registering to vote.

I am concerned that this argument really is just another scare tactic to keep legitimate voters away from our polls. I think we have to ask ourselves, are we afraid of voter fraud or voter participation?

Who are the people who are unable to get to the polls today? It is single parents who are working. It is people of color. It is people who live in our rural areas. These people need to be encouraged by us to get to the polls, and we need to pass legislation like this to make it possible for them to participate.

I hear the argument that this bill might cost us something. The Washington Board of Elections tells me that this program cost the State less than $1 per registration. Keep in mind that we have had this program in our State for over a year. Let us not forget the other costs: The cost of people not voting; the cost of people being disenfranchised.

My colleagues, I believe that this bill has been put on the blocks for too long. Let us put the wheels back on and get this vote going. Pass the motor-voter bill so people can register to vote and we can encourage participation in our Government once again.

Thank you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from California may proceed.

Mrs. FEINSTEIN. Madam President, I was listening with some interest to the comments of the distinguished Senator from Wyoming when he expressed his fear that motor-voter might provide an opportunity for illegal aliens to vote. So I picked up the phone and called the secretary of state of the State of California, because California since 1976 has had mail registration. And what I have learned is that the State since then has done some random sampling three or four times, matching registration tapes against INS tapes, and they have come up with negative findings.

It is the belief of the office of the California secretary of state that through that DMV file they will be able to check resident aliens. Of course, they cannot check undocumented aliens, because the INS has no documents on them. But the secretary of state actually believes that motor-voter, as it is written, will help in the policing of the system. And I might say that when you register at motor-voter there will be a photograph and a fingerprint, and the feeling of the secretary of state is that someone who is here either with a green card or illegally

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would not be willing to submit to the photograph and the fingerprint which would provide a documentation on which this could be checked.

So, Madam President, I just wanted to point that out, because my State is a very large State with a large number of both green card holders as well as undocumented aliens. And I might say that the feeling of the secretary of state is that motor-voter will actually help in the cleansing of the system by providing additional records, of course under penalty of criminal action as discussed. And I might just say that this legislation has the wholehearted support of the secretary of state.

So I am hopeful they will be able to cast a vote on it. I identify with Senator MURRAY's comments to take the automobile off the block and put some wheels on it so that more people can, in fact, vote.

Thank you very much.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, I would like also to make some comments, if that is appropriate at this time.

Let me raise two issues with the Senate during this interim period on the bill that is before us.

NEW EVIDENCE SUPPORTS THE PRESIDENT'S ECONOMIC PLAN

Mr. RIEGLE. Madam President, I want to bring to my colleagues' attention an article that is in the news today reporting upon an independent economic analysis by three distinguished economists at the University of Michigan that strongly supports President Clinton's economic program.

The report, prepared from the Research Seminar in Quantitative Economics at the University of Michigan, provides very strong evidence that the President's economic proposal is the right one for this country. In fact, they have developed one of the most respected and important econometric models of how our national economy actually works.

I will not ask to put the news article in the RECORD, but I do have a copy of their summary that lays out why they think we are likely to get even more deficit reduction than either OMB or the CBO estimate and why they think this is good economic medicine.

The Research Seminar in Quantitative Economics strongly endorse front-loading a strong deficit reduction package with "a moderate dose of fiscal stimulus." The study warns that although the rate of unemployment has been dropping, the pace of job creation remains weak. The economists point out that there is little indication that businesses plan to speed up reemployment any time soon. Without significant improvement soon in the job picture they conclude, "the recent step-up in the pace of economic expansion simply won't continue."

The economists do not discount the need for long-term deficit reduction. Instead, they endorse an expansionary policy now to help the economy absorb meaningful deficit reduction in the long run. They support the President's long-term proposal to bring the deficit under control, calling it a "very serious deficit reduction plan." They estimate that under the President's plan, or one very similar to it, the deficit in fiscal year 1995 will drop to less than $175 billion, will below either CBO or OMB estimates.

Madam President, this study provides strong evidence that President Clinton has put forward a strong and sound economic proposal. We need to enact this package, including the stimulus measure, to help get our economy back on track.

I ask unanimous consent that the executive summary of the Research Seminar in Quantitative Economics report by printed in the RECORD.

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

[Research Seminar in Quantitative Economics, the University of Michigan]

THE ECONOMIC OUTLOOK FOR 1993–94—EXECUTIVE SUMMARY

Economic expansion in a higher gear

It's now being estimated that real GDP grew at an annual rate in excess of 4 percent in the second half of 1992, and that's the best half-year rate of expansion the U.S. economy has managed to achieve since 1987.

What's more, we've finally strung together four straight months of decline in the rate of unemployment—albeit a meager decline from 7.4 percent last October to 7.0 percent this February. And there's absolutely no sign of any inflation problem in the economy in the near term.

The role of consumer demand

The consumer sector certainly did it's share—or more—to energize the economy in the second half of last year.

It's estimated that real consumer purchases rose by more than $69 billion (1987 $s) during the second half of last year. That's an average annualized rate of growth of real consumption amounting to 4¼ percent; and it accounted for 70 percent of the increase estimated for all of real GDP in the second half of 1992.

But sustaining anything like that kind of consumption behavior is going to require a steady growth of jobs to produce sustained increases in household purchasing power. And the jobs front is still presenting a mixed picture.

Jobs, jobs, jobs; are they showing up yet?

The number of jobs recorded in the payroll employment count in the middle of last year, and even as recently as this January, was fewer than in March '91 when the recession officially ended. It wasn't until last month that payroll employment finally edged above the March '91 level; but even then it remained more than a million jobs short of the number registered in the pre-recession peak month of July 1990.

And most of the payroll employment job gains still seem to be concentrated in the areas of health care and business services, with little if any growth in manufacturing.

At the household level, February was indeed a month with a substantial gain in employment—an increase of 380 thousand. But that followed a drop of 240 thousand in January, for a net gain of only 140 thousand in the past two months. And this February's household employment level is a mere 1¼ percent higher than that of last February.

Can households be expected to sustain anything like a 4 percent rate of growth of real consumption with reemployment proceeding so slowly? Not likely. Unless something intervenes to improve the status-quo, the recent step-up in the pace of economic expansion simply won't continue.

The President delivers on his promised fiscal policy

That's why we think President Clinton was right to front-load his multi-year deficit reduction package with at least a moderate dose of fiscal stimulus.

It's important to deliver the message that the government sees the problem that's out there and is actively supporting improvement—as candidate Clinton promised it would.

It's refreshing to see an Administration that isn't so spooked by the budget deficit as to be paralyzed by the prospect of making it a bit worse than might otherwise be the case, for just a little while.

But make no mistake about it; the President has delivered a very serious deficit reduction plan. The Congress is sure to modify it, but if something with a similar bottom line and similar timing should become law, we'll finally make a big dent in the deficit over the next few years.

Indeed, we estimate that with a Clinton-like fiscal policy—and cooperation from the Federal Reserve—the fiscal 1995 budget deficit will come in under $175 billion (on a NIPA basis). That's a good $50–$60 billion below where we estimate the deficit would be in fiscal '95 under a "baseline," or status-quo, fiscal policy; and is well below the $289 billion deficit registered in fiscal '92.

That won't finish the attack on the deficit—completion will require a fundamental change in health care policy. That, too, has been promised, and it's every bit as important that the President deliver on that promise as well.

The economic pace in 1993–94

With such a fiscal package, we expect the economy to grow by 3.2 percent for calendar '93—well above the 2.1 percent now estimated for calendar '92. This is expected to be accompanied by a decline in the unemployment rate to about 6⅔ percent by yearend 1993.

For calendar 1994, on the other hand, we expect a slowdown to 2.3 percent growth, and that presumes a substantial easing of monetary policy in '94 as the budget swings sharply to a restrictive stance.

The bad news is that the slower rate of expansion will be accompanied by a near-stall in the unemployment rate, which is expected to edge down very slowly during '94, and poke just under 6½ percent at yearend.

The news on the inflation front is expected to remain good. At the consumer level, prices are forecast to rise by 3.7 percent during '93 (4th quarter of '92 to 4th '93), and by 4.2 percent during '94 which includes a boost of about ⅔₀ of a point from the higher energy tax component of the President's fiscal policy.

	Actual		RSQE forecast	
	1991	1992	1993	1994
GDP (billions of current dollars	5,677.5	5,960.7	6,302.3	6,642.4

	Actual		RSQE forecast	
	1991	1992	1993	1994
Inflation (GDP deflator, percent change)	4.0	2.6	2.6	3.0
Real GDP (billions of 1987 dollars)	4,821.0	4,922.8	5,082.2	5,199.4
Percent change	−1.2	2.1	3.2	2.3
Civilian unemployment rate (percent)	6.7	7.4	6.8	6.6
Capacity utilization, manufacturing (percent)	78.2	77.8	79.9	81.0
Auto sales (millions)	8.4	8.4	8.9	9.4
Light truck sales (millions)	3.9	4.4	4.9	4.9
Private housing starts (thousands)	1,011	1,208	1,313	1,521
3-mo. Treasury bill rate (percent)	5.4	3.4	3.1	3.2
Aaa corporate rate (percent)	8.8	8.1	7.5	7.1
Real disposal income (billions of 1987 dollars)	3,509.0	3,585.3	3,645.6	3,673.9
Percent change	−.02	2.2	1.7	0.8
Corporate profits before tax (billions of current dollars)	334.7	375.6	434.1	467.1
Real net exports (billions of 1987 dollars)	−21.8	−41.5	−59.8	−50.8
Current account surplus (NIPA basis, bill current dollars)	9.0	−50.0	−94.2	−112.1
Federal deficit (fy, NIPA basis, bill of current dollars)	194.4	288.8	274.7	203.5

DISPOSABLE WORKERS

Mr. RIEGLE. Madam President, I also bring to the attention of my colleagues a front-page story in yesterday's New York Times. I have it here with me, and the headline on the story is "New Jobs Lack the Old Security in a Time Of 'Disposable Workers.'" It is written by Mr. Peter Kilborn. This story has a dateline of Toledo, OH.

I want to read just a few paragraphs that will give the thrust of the article and then make a comment or two about it. It reads as follows:

Employment agencies calls them contingent workers, flexible workers or assignment workers. Some labor economists, by contrast, call them disposable and throwaway workers.

Whatever they are called, their numbers are climbing. Federal figures are sketchy, but about half of the jobs people have been getting in the last year are part-time or temporary or involve other unconventional arrangements. That is up from less than a quarter of the new jobs a decade ago.

Most of these new jobs pay less than regular jobs, and few come with good benefits. The standard American job, with a 40-hour workweek, medical benefits and a pension at age 65, is on the wane.

"The entire system has fragmented," Labor Secretary Robert B. Reich said in an interview earlier this month.

"A MARKET IN MOTION"

Audrey Freedman, an economist for Manpower, the big temporary-help company, said: "The labor market today, if you look at it closely, provides almost no long-term secure jobs. It's a market in motion."

As the Clinton Administration ponders changed in the nation's health and welfare systems, the shift in the job market takes on added importance, as it will have long-term implications for Government regulators and taxpayers.

Labor market specialists say the shift accelerated in the recession as companies tried to hold down costs. But they say that much of the shift seems here to stay.

Many companies have adopted a form of work-force management to compete in the world market. They keep a core of managers and valued workers whom they favor with good benefits and permanent jobs. They take on and shed other workers as business spurts and slumps.

It goes on in that vein. I want to cut over to the inside of the article and drop down and read just a few more paragraphs.

State officials report a smattering of offers of very good jobs, requiring high skills and years of experience and paying $12 to $20 an hour, and a surge of offers for low-skill, low-paying jobs.

The area's biggest new employer is the Maijer (pronounced MY-er) discount food and department store chain of Grand Rapids, Mich.

This is now, of course, in Ohio.

It is hiring nearly 3,000 workers for four giant stores it is building here. Nearly all the jobs are part-time and the pay is $4.30 to $4.40 an hour—5 cents to 15 cents more than the Federal minimum wage.

The second-biggest new employer is an air-cargo company, Burlington Air Express. Burlington will soon have more than 1,200 sorters working three-hour shifts five days a week.

Now, I repeat that: Three-hour shifts, 5 days a week. So they will have 15 hours of work over the normal work week period.

The pay is $8 an hour to start, or $120 a week. Burlington's job advertisements say applicants must "be able to lift 70 pounds consistently."

State officials say that companies have little choice but to pay wages as low as their competitors.

So this is obviously a job where they are lifting heavy parcels from one place to another.

State officials say that companies have little choice but to pay wages as low as their competitors.

Then dropping down—and I will not read all of the article; I am going to put the entire article in the RECORD—there is another very powerful paragraph that comes from James O'Shea, who is the 50-year-old manager of a Toledo branch of the Ohio Bureau of Employment. He said:

Opportunity—that's a thing that was here in abundance when I was 18.

He is now 50; he was looking back to when he was 18. Then he makes this point, and I quote:

The whole middle of the job market is gone, the $8-an-hour to $13-an-hour jobs. Those middle, family-supportive jobs we've lost.

And it goes on in that vein.

The thrust of this article is that, despite the recent indications in the past month of new hirings in the country, an examination of that data shows more than half of those jobs were part-time jobs, very much of the kind talked about in this story.

In fact, last month in the State of Michigan, of the new jobs listed as coming into existence, 89 percent of those jobs were part-time jobs.

Now, the Bureau of Labor Statistics counts you as employed if you work as little as 1 hour a week. You work 1 hour a week or more and you are counted as working. Even if you want 40 hours and you have only 5 or 10 or 15 hours at work, you are still counted as employed.

We have a major problem in our job market. We are in the midst of what is called an economic recovery, but we are not getting a jobs recovery. And the kinds of jobs we are seeing, for the most part, are these low-end, low-paying, lower-skilled jobs. And it is a real problem, a real problem, for America, a real problem in terms of insufficient income for families in our country and for individuals who are struggling to find work that provides a living wage.

The fact that the New York Times gave this front-page treatment yesterday, I think, is an illustration of how serious this problem is.

It is absolutely essential that we pass the Clinton economic plan, because that plan is designed to begin the process of dealing with this permanent job shortage; to begin to invest in job-creating incentives for small business with the investment tax credit, the research and development tax credit, and certain other investment incentives to try to stimulate job growth in that part of the economy.

There is also infrastructure investment spending, to try to create more of a jobs surge in that area. And there is also, of course, a program for summer jobs, to give our young people, particularly in the high unemployment inner-city areas, some prospect of having a way in which they can build some job skills, earn some money to support themselves, and perhaps lay a foundation for going on for additional education.

I heard a noted social scientist say the other day that in our inner-city areas today, in our worst problem areas, where you have major poverty and you have a growing underclass of young people who cannot find work and cannot find a way into the economic system, that, that—taken together with the level of violence, the random crime, the shootings, the killing by rapid-fire guns in many of these areas—has created a situation where many of our young people today in the inner cities, in that relatively hopeless economic situation, do not expect to live to the age of 25. They do not expect to live to the age of 25. As a result, their outlook about their prospects, their life, society, the reciprocal relationships we have in our society, are fundamentally changed by that prospect.

We have to open up the door of economic opportunity for everyone in our society who has the capacity to work.

Today, we are loaded with people in our country, many with extensive job skills, some with 10, 20, 30 years of work experience. They have been thrown out of work, out of an automotive plant, out of a defense firm, out of a financial institution that is merging with another institution, or they have lost their jobs in some other area. And today, even after months of searching, they cannot find other jobs.

Fortune Magazine, the other day, had a cover story on the issue of how middle-income workers who have lost their jobs are not finding replacement work. No matter how qualified they are, how good their work record, how diligent they are in searching for additional work, there is not replacement work to be found.

So, when President Clinton lays out a plan to foster the creation of 8 million new private sector jobs over the next 4 years, it is the most important goal for our country to set and to achieve. Because if people have the opportunity to work and to provide for themselves and become self-supporting and taxpayers, we are going to see the economic strength of the country increase and we are going to find that people themselves have an opportunity to live more fulfilling lives and to be able to achieve the other objectives that we all want for ourselves and for our families.

So these are urgent matters. The fact that we are here today talking about another issue should not take our focus for long off the issue of the need to do those things that are necessary to enable job creation to take place on a much more rapid basis in our country, and to bring back the kinds of jobs that can support a middle-class income and standard of living that our country desperately needs.

Madam President, I ask unanimous consent that the full text of the New York Times article that I have referred to be printed in the RECORD.

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

NEW JOBS LACK THE OLD SECURITY IN A TIME OF "DISPOSABLE WORKERS"

[From the New York Times, Mar. 15, 1993]

(By Peter T. Kilborn)

TOLEDO, OH, March 12.—Employment agencies call them contingent workers, flexible workers or assignment workers. Some labor economists, by contrast, call them disposable and throwaway workers.

Whatever they are called, their numbers are climbing. Federal figures are sketchy, but about half of the jobs people have been getting in the last year are part-time or temporary or involve other unconventional arrangements. That is up from less than a quarter of the new jobs a decade ago.

Most of these new jobs pay less than regular jobs, and few come with good benefits. The standard American job, with a 40-hour workweek, medical benefits and a pension at age 65, is on the wane.

"The entire system has fragmented," Labor Secretary Robert B. Reich said in an interview earlier this month.

A MARKET IN MOTION

Audrey Freedman, an economist for Manpower, the big temporary-help company, said: "The labor market today, if you look at it closely, provides almost no long-term secure jobs. It's a market in motion."

As the Clinton Administration ponders changes in the nation's health and welfare systems, the shift in the job market takes on added importance, as it will have long-term implications for Government regulators and taxpayers.

Labor market specialists say the shift accelerated in the recession as companies tried to hold down costs. But they say that much of the shift seems here to stay.

Many companies have adopted a form of work-force management to compete in the world market. They keep a core of managers and valued workers whom they favor with good benefits and permanent jobs. They take on and shed other workers as business spurts and slumps.

Toledo is home to glass and automobile companies which, while shrinking, are unionized and make little use of contingent workers. It is home, too, to expanding nonunion retail stores, service businesses and small manufacturers that do employ such workers.

State officials report a smattering of offers of very good jobs, requiring high skills and years of experience and paying $12 to $20 an hour, and a surge of offers for low-skill, low-paying jobs.

The area's biggest new employer is the Maijer (pronounced MY-er) discount food and department store chain of Grand Rapids, Mich. It is hiring nearly 3,000 workers for four giant stores it is building here. Nearly all the jobs are part-time and the pay is $4.30 to $4.40 an hour—5 cents to 15 cents more than the Federal minimum wage.

The second-biggest new employer is an air-cargo company, Burlington Air Express. Burlington will soon have more than 1,200 sorters working three-hour shifts five days a week. The pay is $8 an hour to start, or $120 a week. Burlington's job advertisements say applicants must "be able to lift 70 pounds consistently."

State officials say that companies have little choice but to pay wages as low as their competitors.

QUALITY PUT IN JEOPARDY

But industries that strive for quality production run a risk in managing workers this way. The employees have little incentive to give their all when the employer gives little.

"The people never stop looking for full-time employment," said Lin Avendano, an official of the Ohio Bureau of Employment Services. "And when they find it, they leave in an instant."

James J. O'Shea, the 50-year-old manager of a Toledo branch of the Ohio Bureau of Employment Services, put the problem in a personal perspective: "Opportunity—that's the thing that was here in abundance when I was 18.

"The whole middle of the job market is gone, the $8-an-hour to $13-an-hour jobs. Those middle, family-supportive jobs we've lost."

In Toledo, about 25 temporary-help agencies have displaced most of the permanent-placement agencies. One is Claus Temporaries Inc., whose owner, Pete Claus, finds welders, assemblers, electricians and other workers for small factories as well as clerical workers for offices. Mr. Claus arranges with client companies to pay employees' wages, unemployment insurance and their workers' compensation. But the workers receive no health or pension benefits because, he said, the market would not bear the cost.

"NEW AMERICAN SWEATSHOP"

Mr. Claus said some companies in Toledo were using services like his to provide their entire work force. "I call it the new American sweatshop," he said. "It's four people who are owners or managers in a shop that has 200 people. They might have 12 permanent employees who are making $6.50 an hour. All the others are paid $4.75. And they're all temporaries."

Robert E. Soncrant, who recruits businesses to do their hiring through Mr. O'Shea's state job service office, cited another development. "You find unscrupulous employers who bring people in for 29 days and then let them go," he said. "Why 29 days? Because the employer has an agreement with the union that says that at 30 days the people have to join the union."

Just how many Americans are landing contingent jobs is impossible to pin down. Mr. Reich said he thought about 30 percent of the work force was composed of contingent workers while current statistics suggest that far more of the new jobs are.

The Bureau of Labor Statistic's employment report for February, showing a decline in unemployment to 7 percent of the nation's labor force from 7.1 percent in January, said part-time jobs accounted for 90 percent of the 380,000 new jobs in February. So large a figure is almost certainly a fluke but it confirmed a less-pronounced, longer-term decline of conventional jobs.

Twenty-four percent of the 1.6 million new jobs since February 1992 were part-time. The University of Toledo reports that 30 percent of its graduates have to take contingent jobs, an uncommonly high proportion for college graduates. Three years ago, 10 percent of the graduates took contingent jobs.

Other numbers reflecting the growth of contingent workers are still murkier. The Bureau of Labor Statistics says another 24 percent of the 1.6 million new jobs represented growth in self-employment. An indeterminate part of the growth in self-employment includes consulting and independent contracting. The Internal Revenue Service offers one hint of what part of those might actually be contingent workers: Employers illegally classified 90,000 workers last year as self-employed contractors. For legitimate independent contractors, employers are not required to pay Social Security and unemployment and workers' compensation.

No one is keeping track of the temporary workers employed directly by companies, without intermediaries.

The bureau says its latest figures show that 1,456,000 people were working through temporary-help agencies in January, 206,000 more than in January 1992. The increase, said Thomas Nardone, a bureau economist, amounted to 30 percent of the jobs that employers reported filing during the year. "It's quite huge," he said.

No one knows how firm this trend is. As the economy improves and the pool of workers shrinks, employers might have to sweeten their terms. Nor is it clear how Government should deal with the trend. Some workers, especially high-paid consultants, welcome the independence. The jobs can be a boon to retirees, students and people with children at home.

Here in Toledo, though, the loss of old-fashioned jobs and the growth of contingent work is taking a cruel toll on many job seekers. Gordon Mills, 44, had a 40-hour-a-week, $6-an-hour job as the night auditor for a motel. But his back, injured in an earlier job, began bothering him and he took a two-month leave for therapy.

"I knew they had hired this girl to do the job," he said, "but I thought she was temporary. When I came back, they cut my hours to 16 and she was getting 24." He walked out and is now living on $343 a week in workers' compensation pay for his back injury. Mr. Mills has gone back to school to study accounting.

Toledo's new job market can even be rough on those who seem qualified for the better

jobs. Nanette Keating, 40, separated and the mother of two children, 3 and 6, has a bachelor's degree in public administration from the University of Toledo. She worked many years in government jobs before she went to work for a private adoption agency. But as the economy declined, the agency lost its money, and she was laid off last April.

Eventually, Ms. Keating wants a good job, but for now she said she would settle for any kind of job. "I've applied at retail stores, food stores, outlet stores," she said. Despite the high turnover among such employers, she said they told her they knew she would quit for a better job, so they turned her away.

Norman J. Drzewiecki is 24, single, a graduate of Rogers High School here and living with his parents. Four years ago, with industrial jobs here fading, Mr. Drzewiecki joined the Air Force, where he was a laborer, delivery driver and shipping and receiving clerk.

Mr. Drzewiecki had planned to enroll in Air Force training to become a loadmaster handling air cargo. But with the Air Force shrinking, he was discharged in September.

He looked for work at Ohio Bell, where his father has worked for 39 years as a repairman. But he was turned away. He is collecting $195 a week in unemployment that Congress just voted to extend until October, so he says he can afford to keep looking for a career job.

WORRY OVER TEMPORARY OFFER

The few jobs he found were temporary or part-time or both. One work offer was for 60 days to 150 days. "After that you don't know," Mr. Drzewiecki said. "I'd hate to get into a job, give it my best effort and after 150 days, they say: 'Thanks a lot. Here's your last paycheck.'"

The President's economic plan offers new spending for education and continuous job training to enable people to move from one good job to another. But with industry relying on contingent workers, who might provide those better jobs is uncertain.

The job trend also lends some urgency to the Administration's promises to overhaul the nation's pension and health-care systems. By denying contingent workers health and pension benefits, employers are shifting more of the burden of supporting the lowest-paid workers to the welfare system.

Richard S. Belous, vice president of the National Planning Association in Washington and author of study of the phenomenon, said: "We've made our labor market more flexible. But we've done zilch about making the social welfare system flexible."

Mr. RIEGLE. Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, there are crucial decisions to be made regarding Federal spending, what to do about the horrible deficits, how should health care costs be reduced, what actions should the United States take concerning Bosnia, or should we provide more aid to the nation's that formed the former Soviet Union.

Do we discuss those issues on the Senate floor?

Not at all.

We are too busy telling States in minute detail how to register their citizens.

Mr. President, this is the Senate at its worst—micromanaging in an area where we are delighted to tell the States exactly what to do but not concerned enough to put up any money to accompany our explicit directions.

S. 460 requires all 50 States to adopt uniform, federally mandated voter registration practices. Included are three major provisions: the well known motor-voter provision, which requires the automatic registration of eligible individuals during routine transactions with State motor vehicle registries; a provision which would permit individuals to register by mail; and automatic agency registration, which would require individuals making applications at Federal agencies or applying for public assistance, to be registered and permits registration at other facilities, such as community centers.

Already, the majority of States have adopted some form of motor-voter registration. I am pleased that Rhode Island is among those States, having adopted it in 1990. All of the States are able to adopt motor-voter registration if they choose to do so. There is no reason for the Federal Government to impose these requirements on the States.

Further, there is no evidence that implementing a motor-voter program will result in greater voter turnout. In 1992 far more Rhode Islanders turned out to vote in the Presidential election than voted in the previous two Presidential elections, but that was true all across the Nation. And the percentage increase in Rhode Island, with its motor-voter registration instituted in 1990, was less than the percentage increase in the rest of the Nation.

The Congressional Budget Office estimates that the requirements of this legislation will cost the States $105 million from fiscal years 1994 through 1998. For some States, there will be additional costs not included in the CBO estimate, as many States are compelled to revamp their registration procedures in order to comply with the Federal mandates. In the case of Rhode Island, it seems ridiculous to me to require a State that is grappling with difficult decisions about cutting basic services and already has highly accessible voter registration procedures—an established motor-voter program and more than 1,000 registrars during election years—to spend scarce resources on implementing federally mandated registration procedures. There is an expression "if it's not broken, don't fix it."

I also have grave concerns that this legislation opens the door to the possibility of increased instances of fraud. Like Senator MCCAIN, I fear that requiring agencies that dispense public assistance to double as voter registration offices may lead to coercion of some potential voters. At the very least, this provision may lead to the appearance of misconduct by State workers required to dispense funds and register voters.

The mail registration provision also is of particular concern. Not only does it permit an individual to register without showing any proof of identity or residence, but the Board of Elections in Rhode Island wonders what they would be required to do if the mail registration form was filled out incorrectly. Would they be required to telephone each potential mail registrant? Would they throw the incorrect form away and leave the individual with the mistaken belief that he or she was registered?

Finally, I received a letter from the Rhode Island Secretary of State, Barbara Leonard, who expresses her concern about how to prevent registration by illegal aliens. S. 460 fails to require any verification of citizenship, thus opening the door to registration by illegal aliens.

I ask that the letter from the secretary of state be included in the RECORD at the conclusion of my remarks.

Mr. President, it is clear we are in the silly season when the world's greatest deliberative body spends 7 days on this petty legislation that should never come before the Senate.

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

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, RI, March 12, 1993.

Hon. JOHN H. CHAFEE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CHAFEE: As Secretary of State of Rhode Island, I am responsible for the administration of the Central Voter Registry and for the preparation of ballots for all registered voters in the state. I am profoundly interested in any method that can make voting easier and increase the number of qualified individuals who have the right to vote.

As of the 1990 Census, there were approximately 60 million eligible, unregistered voters in the United States. Pending legislation makes significant steps to increase the opportunities for these individuals to register in a quick and easy manner.

What it does not address is the United States Citizenship requirement which is so integral to our most fundamental right in a democracy—the vote. The lack of restraints and appropriate proof requirements open the door to fraud and the abuse of individual freedoms.

The estimated 3.3 million undocumented aliens currently residing in the United

States (with an estimated 200,000 more entering annually) are eligible to secure a drivers license. The current bill would allow these individuals to register to vote at the same time as they obtain a drivers license. Under this bill they could be the target of unscrupulous politicians. This would threaten our democratic voting process.

The use of fines and imprisonment to deter the abuse of this privilege is not realistic and would not serve as a deterrent to this population. They do not have money and we have overcrowded jails.

I believe that any legislation designed to increase the number of registered voters must include a requirement for proof of citizenship; either a birth certificate, passport, or naturalization papers. A federal law including this requirement would insure the uniform administration throughout the United States and make it easier for citizens to understand and comply with the law.

I applaud your efforts to increase opportunities for all who are eligible to vote and ask you to also insure the integrity of the right to vote and our ability to ensure fair and legal elections.

Sincerely yours,

BARBARA M. LEONARD,
Secretary of State.

Mr. MITCHELL. Madam President, I would like to just respond briefly to the comments of my friend and colleague. The Senator has joined in forcing the Senate to spend 7 days on this bill. He has participated in a series of obstructive actions, of delaying actions of causing the Senate to spend 7 days on a bill which we should have passed in 7 hours. Then having caused the delay, the Senator complains about the delay.

That is one of the ironies of life in the Senate. The rules permit delay, and the very people who cause the delay then complain about the delay. This is not petty legislation. This legislation is democracy by encouraging Americans to vote and by making it possible for more Americans to vote. If voting is petty, then this bill is petty. But if voting is significant, a fundamental right in a democratic society, then this bill is significant, going as it does to a fundamental right in a democratic society.

Two weeks ago tomorrow, I made a motion to proceed to the bill, not to act on the bill, not to consider amendments to the bill, just to begin consideration of it. And the Senator from Rhode Island voted against that, voted to require the Senate to have a delay of more than 2 days just to even begin considering the bill. Then after we started on the bill, we had delayed after delay after delay. Now we are going to vote in just a few minutes to try to end the delay, and the very people who caused the delay complain about the delay.

The American people ought to know where the obstruction is, where the delay is, where the problem is, and the problem is with those who do not want the Senate to act on legislation, who would prefer to continue the gridlock. The guardians of gridlock are alert and at work and want to cause the Senate not to be able to complete action on this or virtually any other legislation.

We are going to have the same delay in just a few days when we try to go to the next bill, then when we try to go to the bill after that the same delay and the bill after that the same delay. No one should be fooled, no one should be misled, no one should misunderstand the complaints that we are hearing about spending so long on this bill. I implore the Senator, if he wants the Senate to proceed expeditiously, then stop filibustering every bill that the Senate tries to consider.

I know the time is up, Mr. President, but I would like to ask unanimous consent that the Senator from Rhode Island be given 2 minutes to respond.

Mr. CHAFEE. I would make it three, Mr. President. May we make it three. Three minutes.

Mr. MITCHELL. I will ask unanimous consent that he be given 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. CHAFEE. After that eloquence displayed by the distinguished majority leader it would take me more than 3 minutes to try to overcome the reasoning he presented.

As always, the majority leader is persuasive, and I am flattered that he listened to my remarks except he did not listen to the last part of them, which was I not only said we spent 7 days on this petty legislation, I said 7 days on this petty legislation that should never have come before the Senate. This is the ultimate of micromanaging. Big brother in Washington is going to tell every State exactly what to do. And we are so enthusiastic about telling them what to do that we will not send them any money to do it. It is typical. All that CBO, which is so admired by the majority leader, has said it is going to cost is $105 million. Not a penny is authorized, never mind appropriated.

The majority leader insists on bringing forward this legislation that is really totally unnecessary. Oh, yes, it is cloaked in the garment of good government and voting, as though nobody out in the States has ever voted before without big brother in Washington telling them exactly how to do it. We have motor-voter registration in our State. We do not need somebody in Washington telling us exactly how to do it. I think it is bad legislation and I hope it goes deservedly down the drain.

I thank the Chair and thank the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent for 1 minute to make a final response.

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

Mr. MITCHELL. It is a very simple issue here: whether Americans will be able to register and vote. And they are afraid to have more Americans registering and voting because they think they will not vote for them. What a lack of confidence in democracy; what a lack of confidence in their own message; what a lack of confidence in their own platform, their own principles. Fewer people registering, fewer people voting, that is the message that this opposition sends. Our message is democracy means everybody participates. Let us get every American registered. Let us get every American voting and then let the chips fall where they may.

Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 6 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 460, the motor-voter bill:

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Pat Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 460, the National Voter Registration Act shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—59

Akaka	Exon	Krueger
Baucus	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Boren	Glenn	Lieberman
Boxer	Graham	Mathews
Bradley	Harkin	Metzenbaum
Breaux	Hatfield	Mikulski
Bryan	Heflin	Mitchell
Bumpers	Hollings	Moseley-Braun
Byrd	Inouye	Moynihan
Campbell	Jeffords	Murray
Conrad	Johnston	Nunn
Daschle	Kennedy	Pell
DeConcini	Kerrey	Pryor
Dodd	Kerry	Reid
Dorgan	Kohl	Riegle

Robb	Sasser	Wellstone
Rockefeller	Shelby	Wofford
Sarbanes	Simon	

NAYS—41

Bennett	Durenberger	McConnell
Bond	Faircloth	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Packwood
Chafee	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Hatch	Simpson
Cohen	Helms	Smith
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Lott	Thurmond
Danforth	Lugar	Wallop
Dole	Mack	Warner
Domenici	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 59; the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. There will be another cloture vote tomorrow morning, and I will consult with the distinguished Republican leader before determining the time.

Senators should have their offices monitor the floor this evening, so that as soon as we can reach an agreement that accommodates the schedules of Senators, I will announce the time for the vote tomorrow. But it will be sometime, probably, in the late morning. We have to discuss a number of items before agreeing on that.

So there will be no further rollcall votes this evening. There will be another cloture vote tomorrow sometime, probably late morning. The precise time will be announced this evening.

Mr. DOMENICI. Mr. President, in the event we do not get cloture on this bill tomorrow, does the majority leader nonetheless intend to proceed with the budget resolution, or not, tomorrow?

Mr. MITCHELL. It is my intention to proceed tomorrow, at some point, to the budget resolution, if that is possible.

Mr. DOMENICI. I thank the Senator very much.

Mr. MITCHELL. 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. 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.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now turn to morning business with Senators allowed to speak therein.

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

PROCLAMATION IN HONOR OF JUDGE A. LEON HIGGINBOTHAM

Mr. WOFFORD. Mr. President, I rise today to congratulate Judge A. Leon Higginbotham on receiving the inaugural award named in his honor. As expressed by the Barristers Association of Philadelphia, Judge Higginbotham is a "man, jurist, lawyer and scholar who has enriched all of us with his legacy."

A graduate of the Yale University School of Law, Judge Higginbotham has served in a variety of capacities, most notably as a civil rights attorney, law professor, U.S. district judge and finally on the U.S. Third Circuit Court of Appeals. He has earned countless honors, awards and honorary degrees throughout his distinguished career.

Judge A. Leon Higginbotham's unwavering commitment to justice, equality and the pursuit of excellence will continue to be an inspiration to us all. Again, I offer my congratulations and best wishes to Judge Higginbotham, his family and all those associated with the Barristers Association of Philadelphia.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 10

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 jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Agriculture, Nutrition and Forestry:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $46.1 million.

This deferral affects the Department of Agriculture. The details of this deferral are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1993.*

MESSAGES FROM THE HOUSE

At 2:41 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 bill, without amendment:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under that act for fiscal years 1993 and 1994.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:03 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 joint resolutions; each without amendments:

S.J. Res. 22. A joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 36. A joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bills and joint resolutions:

On January 8, 1993:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

S.J. Res. 2. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

On January 27, 1993:

S. 202. An act to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building"

On March 16, 1993:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

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–42. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"RESOLUTION OF THE STATE OF MAINE

"We, your Memorialists, the Members of the one Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

"Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

"Whereas, the United States Naval Shipyard at Kittery has performed duties in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

"Whereas, the communities in Maine, New Hampshire and Massachusetts located near the Kittery shipyard offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

"Resolved: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM–43. A resolution adopted by the Council of State Governments relative to district heating and cooling; to the Committee on Energy and Natural Resources.

POM–44. A resolution adopted by the Council of State Governments relative to supporting private investment in environmental infrastructure; to the Committee on Environment and Public Works.

POM–45. A resolution adopted by the Council of State Governments relative to integrated solid waste management; to the Committee on Environment and the Public Works.

POM–46. A resolution adopted by the Council of State Governments relative to Federal mandates; to the Committee on Governmental Affairs.

POM–47. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Governmental Affairs.

"SENATE CONCURRENT RESOLUTION NO. 4006

"Whereas, in North Dakota and other states the federal government has acquired millions of acres of land for migratory bird sanctuaries, the national park system, the national forest system, water resource development projects, and other uses; and

"Whereas, Congress has enacted legislation providing for payments in lieu of taxes on federal lands well below the taxes paid by neighboring landowners, and then the federal government has broken the promise of this legislation because Congress has not appropriated sufficient funds to make these payments; and

"Whereas, in states such as North Dakota with sparse population the removal of federal lands from the tax base shifts a substantial burden of the cost of local governmental services to neighboring landowners; and

"Whereas, to the growing consternation of North Dakotans, while the federal government lacks sufficient funds to pay its promised share of the tax burden, federal agencies have sufficient funds to acquire additional property upon which taxes will not be paid;

"Now, therefore, be it resolved by the Senate of North Dakota, the House of Representatives concurring therein:

"That the Fifty-third Legislative Assembly urges the Congress of the United States to take responsibility to assure that the federal government becomes a responsible landowner, a good neighbor, and a taxpaying citizen of each state in which it owns property by enacting legislation to do all of the following:

"1. Provide for repeal of laws authorizing acquisition by federal agencies of land for migratory bird refuges and waterfowl production areas or provide that states have an option to rescind previously granted approval for acquisition of such property;

"2. Provide that no federal agency or instrumentality may acquire any interest in property in a state unless all federal agencies owning any interest in property in that state have made full in lieu of tax payments equal to one hundred percent of the taxes that would be due against the property under local assessment and levies for the previous two taxable years;

"3. Provide that each federal agency or instrumentality owning any property in a state must give the state an annual accounting of acreage and valuation of its holdings in each county in the state;

"4. Provide that each federal agency or instrumentality owning any property in a state must give the state an annual report of how much property it intends to acquire within each county in the state;

"5. Provide that limitations on the acreage of federally owned property per county must be established and that federal acquisitions must be approved by an evaluation board in each state consisting of representatives of water, farm, and wildlife groups and representatives of all levels of local government;

"6. Provide that any federal agency or instrumentality that fails to make full in lieu of tax payments is permanently banned from acquiring any interest in property in that state until full payment is made;

"7. Provide that federal agencies and instrumentalities are subject to state laws regarding imposition of interest and penalties and forfeiture of property for nonpayment of taxes in the same manner as any other landowner; and

"8. Provide that federal duck stamp revenues and other funds used for acquisition of interests in property be made available for payments in lieu of taxes on property already acquired; and

"Be it further resolved, that the Secretary of State send copies of this resolution to the Secretary of the Senate of the United States, the clerk of the House of Representatives, the chairman of the Senate Appropriations Committee, the chairman of the House of Representatives Appropriations Committee, the chairman of the Senate Energy and Natural Resources Committee, the chairman of the House of Representatives Interior and Insular Affairs Committee, the Secretary of the Interior, the President of the United States, and each member of the North Dakota Congressional Delegation."

POM–48. A resolution adopted by the State of West Virginia to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 10

"Whereas, There exist federal and state penal codes to protect the flag of the United States from desecration; and

"Whereas, The flag of the United States is a living symbol of all our freedoms, morally obligating all responsible citizens to preserve, protect and venerate the flag. Neither our founding fathers, members of Congress nor state legislators ever intended that anybody should be allowed to desecrate and mutilate the United States flag; and

"Whereas, Protection of the flag of the United States from desecration can only be assured by the enactment of a constitutional amendment; therefore, be it

"*Resolved by the Senate:* That the Congress is urged to propose and adopt an amendment to the Constitution of the United States protecting the flag of the United States from desecration; and, be it

"*Further resolved* That the Clerk is hereby directed to forward a copy of this resolution to each member of the United States Congress."

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. SIMPSON (for himself and Mr. KENNEDY):

S. 584. A bill to authorize the transfer of equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service to the Border Patrol Museum and Memorial Library Foundation, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. DECONCINI):

S. 585. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BRADLEY, Mr. BUMPERS, Mr. GORTON, Mr. DASCHLE, Mr. RIEGLE, Mr. HARKIN, and Mr. D'AMATO):

S. 586. A bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. STEVENS, Mr. BINGAMAN, Mr. BURNS, Mr. SIMON, and Mr. THURMOND):

S. 587. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Governmental Affairs.

By Mr. ROBB:

S. 588. A bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 589. A bill to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

S. 590. A bill to clarify tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. SHELBY, Mr. DOLE, Mr. MACK, Mr. THURMOND, and Mr. DOMENICI):

S. 591. A bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOREN:

S. 592. A bill to amend the Wild and Scenic Rivers Act to protect State-designated rivers prior to their approval or disapproval by the Secretary of the Interior for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 593. A bill to extend the temporary suspension of duty on fluazifop-p-butyl; to the Committee on Finance.

S. 594. A bill to suspend temporarily the duty on tefluthrin; to the Committee on Finance.

S. 595. A bill to suspend temporarily the duty on fomesafen; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. BOND, Mr. RIEGLE, Mr. BRADLEY, Mr. DECONCINI, Mr. DASCHLE, Mr. JEFFORDS, Mr. SIMON, Mr. KOHL, Mrs. FEINSTEIN, Mr. MITCHELL, Mr. KERRY, Mr. CAMPBELL, and Mr. CONRAD):

S. 596. A bill to amend title IV of the Social Security Act to provide improved child welfare services, and for other purposes; to the Committee on Finance.

By Mr. BOREN:

S.J. Res. 65. A joint resolution establishing a commission to study the creation of a standing international military force under the United Nations Charter; to the Committee on Foreign Relations.

By Mr. THURMOND (for himself and Mr. BAUCUS):

S.J. Res. 66. A joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 80. A resolution to replace the membership of the Select Committee on Ethics with former Members selected by the Majority Leader and the Minority Leader; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON (for himself and Mr. KENNEDY):

S. 584. A bill to authorize the transfer of equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation, and for other purposes; to the Committee on the Judiciary.

BORDER PATROL MUSEUM AND MEMORIAL LIBRARY FOUNDATION ACT OF 1993

Mr. SIMPSON. Mr. President, I rise today to introduce a bill to authorize the transfer of equipment, artifacts, and memorabilia now held by the Immigration and Naturalization Service to the Border Patrol Museum and Memorial Library Foundation.

The Border Patrol Museum and Memorial Library Foundation was organized to operate exclusively for charitable, educational, scientific, and literary purposes. The library contains a comprehensive collection of material relating to the Border Patrol and its accomplishments. The museum is governed by a board of trustees that sets the policies and oversees the museum's operations.

Funding of the museum comes from corporate and private foundations, bequests, sales from its gift shop, and other fundraising activities. The museum also receives donations from Immigration and Naturalization Service personnel, members of the Fraternal Order of Retired Border Patrol Officers, and the public. No appropriated funds are, or will be, used for the maintenance or operation of the museum and library.

The purpose of this legislation is to give the Immigration and Naturalization Service statutory authority to officially recognize the museum and to provide nonfinancial support.

Specifically, the bill will allow the Immigration and Naturalization Service to convey to this fine museum equipment, artifacts and memorabilia held by the Immigration and Naturalization Service which would be much better displayed and preserved in the existing museum, as well as to transfer any property that the Attorney General may determine is necessary to further the purposes of the museum and foundation.

The bill will also authorize the Attorney General to provide technical assistance to the Border Patrol Museum and Memorial Library Foundation for the purpose of displaying any items which may be transferred under the bill.

The Immigration and Naturalization Service supports the legislation. I invite my colleagues to join me in my effort to provide recognition and support of the Border Patrol Museum and Memorial Library Foundation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY.

Notwithstanding section 203 of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas—

(1) such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, and

(2) such real property of the United States, as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

SEC. 2. TECHNICAL ASSISTANCE.

The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under section 1.

By Mr. GRASSLEY (for himself and Mr. DECONCINI):

S. 585. A bill to provide greater access to civil justice by reducing costs and delay and for other purposes; to the Committee on the Judiciary.

CIVIL JUSTICE REFORM ACT OF 1993

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation with my colleague from Arizona, Mr. DECONCINI, to reform America's Federal civil justice system. The purpose of our bill, the Civil Justice Reform Act of 1993, is to improve deserving parties' access to the Federal courts by reducing the volume of frivolous cases, to reduce the costs of Federal civil litigation, and to encourage settlement of disputes.

By introducing this bill we propose some modest reforms that will reduce the economic and social costs American society has borne due to the litigation explosion. Our Nation spends billions of dollars every year on civil lawsuits. More than $1 billion goes just to pay for the Federal district courts, which handle hundreds of thousands of civil cases annually. As most Americans recognize, our system of dispute resolution through adversarial lawsuits has gotten out of hand, and needs reason restored to it. More litigation does not mean more justice.

Some of the elements of our bill are based on last year's Access to Justice Act. For example, the bill reintroduces a modified English rule on attorney's fees. That will award prevailing parties in Federal diversity cases reasonable attorney's fees. This is hardly the radical proposition some paint it to be. The English rule is really an "anywhere but America" rule that is followed by most industrialized countries—Austria, Belgium, Denmark, France, Switzerland, Germany, Italy, the Netherlands, Nor-

way, Sweden, Canada, Australia, New Zealand, and Great Britain. It is worth trying it in the United States in a limited class of cases—diversity suits—in order to see if it is effective in encouraging meritorious lawsuits and discouraging frivolous suits.

By limiting the rule to diversity cases, we ensure that no one will be denied a forum for their dispute, since all diversity cases can be filed in a State court. If the defendant removes the case to Federal court, our loser-pays rule would not apply. Our limited English rule will expire in 5 years unless Congress chooses to continue it, after a fourth-year report by the Administrative Office of the Courts on the effectiveness of the rule.

We have also included a number of safeguards to avoid any unintended consequences. The amount the loser must pay is limited to the amount of her own fees. Moreover, the court is given broad discretion to limit the amount the loser pays if it finds such payment to be unjust in the circumstances.

The bill will require 30 days advance notice of intent to sue—something most responsible lawyers already do. We also require prisoners with civil rights cases—which currently constitute around 10 percent of the Federal docket—to first exhaust their administrative remedies before they file suite in Federal court.

To promote early settlement of cases and reduce litigation costs, we propose a statutory offer of judgment rule. It is similar to a recent proposal by Judge William Schwarzer, Director of the Federal Judicial Center. This rule will allow any party, plaintiff or defendant, to offer a settlement to another party at any point in the litigation. If the settlement is declined, and the party rejecting the offer ultimately gets a less favorable judgment, he is then responsible for the offeror's attorneys fees from the time of the offer. This will give parties a strong incentive to offer and accept reasonable settlements.

Another new provisions will begin to curtail some of the excesses of the expert witness battles that dominate too many Federal trials. Following the example of the State of Arizona, which last year adopted a comprehensive civil justice reform package, our bill will limit parties to one expert witness on a given issue.

The Civil Justice Reform Act of 1990 has made a mark on the Federal courts in reforming pretrial processes to reduce cost and delay. This bill takes the next step, by making some limited fee-shifting proposals and a few other modest proposals for reducing litigation costs. I look forward to discussing these proposals with my colleagues on the Judiciary Committee, and Hopefully the full Senate, at an early date.

I ask unanimous consent that the statement of Senator DECONCINI and the full text of the bill appear in the RECORD following my statement.

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

S. 585 .

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 "Civil Justice Reform Act of 1993".

SEC. 2. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

(a) AWARD OF FEES.—Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f)(1) The prevailing party in an action under this section shall be entitled to attorneys' fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys' fees under this paragraph shall be paid by the nonprevailing party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

"(2) In order to receive attorneys' fees under paragraph (1), counsel of record in any actions under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

"(3) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

"(4) This subsection shall not apply to any action removed from a State court under section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party.

"(5) As used in this subsection, the term 'prevailing party' means a party to an action who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted in the action.".

(b) STUDY AND REPORT.—(1) The Director of the Administrative Office of the United States Courts shall conduct a study regarding the effect of the requirements of subsection (f) of section 1332 of title 28, United States Code, as added by subsection (a) of this section, on the caseload of actions brought under such section, which study shall include—

(A) data on the number of actions, within each judicial district, in which the nonprevailing party was required to pay the attorneys' fees of the prevailing party; and

(B) an assessment of the deterrent effect of the requirements on frivolous or meritless actions.

(2) No later than 4 years after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit a report to the appropriate committees of Congress containing—

(A) the results of the study described in paragraph (1); and

(B) recommendations regarding whether the requirements should be continued or applied with respect to additional actions.

(c) REPEAL.—No later than 5 years after the date of enactment of this Act, this section and the amendment made by this section shall be repealed.

SEC. 3. OFFER OF JUDGMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

"CHAPTER 114—PRETRIAL PROVISIONS

"Sec.
"1721. Offer of judgment.

"§ 1721. Offer of judgment

"(a)(1) In any civil action filed in a district court, any party may serve upon any adverse party a written offer to allow judgment to be entered for the money or property specified in the offer.

"(2) If within 14 days after service of the offer, the adverse party serves written notice that the offer is accepted, either party may file the offer and notice of acceptance and the clerk shall enter judgment.

"(3) An offer not accepted within such 14-day period shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine reasonable attorney fees.

"(4) If the final judgment obtained by the offeree is not more favorable than the offer made under paragraph (1) which was not accepted by the offeree, the offeree shall pay the offeror's reasonable attorney fees incurred after the expiration of the time for accepting the offer, to the extent necessary to make the offeror whole.

"(5) In no case shall an award of attorney fees under this section exceed the amount of the judgment obtained. The court may reduce the award of costs and attorney fees to avoid the imposition of undue hardship on a party.

"(6) The fact that an offer is made under this section shall not preclude a subsequent offer.

"(7)(A) Subject to the provisions of subparagraph (B), when the liability of 1 party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial.

"(B) The court may shorten the period of time an offeree may have to accept an offer under subparagraph (A), but in no case shall such period be less than 7 days.

"(b) A party making an offer shall not be deprived of the benefits of an offer it makes by an adverse party's subsequent offer, unless the subsequent offer is more favorable than the judgment obtained.

"(c) If the judgment obtained includes nonmonetary relief, a determination that it is more favorable to the offeree than was the offer shall be made only when the terms of the offer included all such nonmonetary relief.

"(d) This section shall not apply to class or derivative actions under rules 23, 23.1 and 23.2 of the Federal Rules of Civil Procedure.

"(e)(1) Except as provided under paragraph (2), the provisions of this section shall not be construed to prohibit an award or reduce the amount of an award a party may receive under a statute which provides for the payment of attorney's fees by another party.

"(2) The amount a party may receive under this section may be set off against the amount of an award made under a statute described in paragraph (1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part IV of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

"114. Pretrial provisions ..... 1721".

SEC. 4. PRIOR NOTICE AS A PREREQUISITE OF FILING A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"§ 483. Prior notice of civil action

"(a)(1) No less than 30 days before filing a civil action in a court of the United States the claimant intending to file such action shall transmit written notice to any intended defendant of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The claimant shall transmit such notice to any intended defendant at an address reasonably expected to provide actual notice.

"(2) For purposes of this section, the term 'transmit' means to mail by first class-mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

"(3) The claimant shall at the time of filing a civil action, file in the court a certificate of service evidencing compliance with this subsection.

"(b) If the applicable statute of limitations for such action would expire during the period of notice required by subsection (a), the statute of limitations shall expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant or defendants under subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

"(c) The requirements of this section shall not apply—

"(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

"(2) if the assets that are the subject of the action or would satisfy a judgment are subject to flight, dissipation, or destruction, or if the defendant is subject to flight;

"(3) if a written notice prior to filing an action is otherwise required by law, or the claimant has made a prior attempt in writing to settle the claim with the defendant;

"(4) in proceedings to enforce a civil investigative demand or an administrative summons;

"(5) in any action to foreclose a lien; or

"(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other type of action involving exigent circumstances that compel immediate resort to the courts.

"(d) If the district court finds that the requirements of subsection (a) have not been met by the claimant, and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the claimant. Whenever an action is dismissed under this subsection, the claimant may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

"(1) during the 60 days after dismissal, notice is transmitted under subsection (a); and

"(2) the original action was timely filed in accordance with subsection (b).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"483. Prior notice of civil action.".

SEC. 5. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In any action brought pursuant to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after "(b)" the following:

"(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances.".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 6. EXPERT WITNESSES.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1828 the following new section:

"§ 1829. Multiple expert witnesses

"In any civil action filed in a district court, the court shall not permit opinion evidence on the same issue from more than 1 expert witness for each party, except upon a showing of good cause.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1828 the following new section:

"1829. Multiple expert witnesses.".

SEC. 7. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendments to any other person or circumstance shall not be affected by that invalidation.

SEC. 8. EFFECTIVE DATE.

Except as expressly provided otherwise, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act. This Act shall not apply to any action or proceeding commenced before such effective date.

Mr. DECONCINI. Mr. President, I am pleased to be joining with Senator GRASSLEY today to introduce legislation to reform our civil justice system. I believe there are a number of creative ideas contained in this bill and I hope those interested in seeing some relief from the continuing litigation crisis will take the opportunity to review the bill and provide me with their comments.

Last Congress, I introduced two measures dealing with litigation reform that I intend to reintroduce this Congress. The first was the Attorney Accountability Act. The second would create a national Commission on Civil Justice Reform. I believe it is important for the Congress to seek solutions to the problems facing our Federal courts.

The bill being introduced today provides for a 5-year demonstration program on allowing the award of attorney fees for prevailing parties in diversity cases. The administrative offices of the U.S. courts would report on the effects of this modified English rule. I am a strong supporter of the English rule and would like to see this put into practice even if only on a limited basis at this time.

Another provision of the bill requires 30 days prior notice as a prerequisite to bringing any suit in U.S. district court. The purpose of this provision is to allow defendants the opportunity to settle disputes before litigation is commenced.

Under this bill, prisoners who bring civil rights actions would be required to wait 180 days in order to exhaust any administrative remedies available. The courts are jammed with these types of cases, many of which could be resolved through other means.

Another provision of the bill is a modification of rule 68 of the Federal Rules of Civil Procedure. It requires a party to pay attorney fees for failure to accept an offer of settlement, if the judgment finally obtained is not more favorable to the offeree than the offer. I believe settlement should be encouraged and this would provide additional incentives for settling cases.

The bill limits to one the number of expert witnesses that a party can call. Of course, this rule can be waived by the court upon a showing of good cause. Similar language was recently made part of the Arizona Rules of Civil Procedure and is expected to significantly reduce the battle of the experts and therefore will reduce litigation costs in certain cases.

Mr. President, as you can see, these are not drastic changes we are talking about. What we are seeking here is to make the system fairer for all parties involved and reduce the amount of adversarial litigation in our Federal courts. I hope there will be an opportunity for hearings on this bill this Congress and I look forward to working with my colleagues on the Judiciary Committee to see if we can take some steps forward on the issue of litigation reform.

By Mr. GRASSLEY (for himself, Mr. BRADLEY, Mr. BUMPERS, Mr.

GORTON, Mr. DASCHLE, Mr. RIEGLE, Mr. HARKIN, and Mr. D'AMATO):

S. 586. A bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes; to the Committee on Finance.

MICROENTERPRISE AND ASSET DEVELOPMENT ACT

Mr. GRASSLEY. Mr. President, last year, I introduced S. 1860, the Act for Microenterprise Development, because I believed it would provide low-income people the opportunity for achieving financial independence through self-employment. While it was included in the enterprise zone bill at the end of the session, it failed to become law when the President vetoed the enterprise zone bill.

Today, joined by my colleagues, Senators BRADLEY, BUMPERS, GORTON, DASCHLE, RIEGLE, HARKIN, and D'AMATO, I am introducing similar legislation to provide greater opportunities for achieving financial independence.

The bill we are introducing today has two major provisions. First, a family may disregard up to $10,000 in a qualified asset account used for an education or training program, the improvement of employability for a family member, the purchase of a family home, or a change in family residence.

This provision is important because it is through the accumulation and wise use of assets that people establish financial independence. It is something that many people take for granted, but those who have not had this chance to take it very seriously. This chance is the very foundation of our capitalist system.

The second major provision of the bill is to allow a family to disregard up to $10,000 in assets for a microenterprise, defined as an unincorporated trade or business which has five or fewer employees, of which one is the owner.

This type of employment is particularly attractive in rural areas where job opportunities are often scarce and self-employment may provide the only opportunity to being unemployed and dependent on Government assistance.

The Institute for Social and Economic Development [ISED] in Iowa City, IA, has done remarkable work for five years with low-income Iowans who want to become financially independent. ISED has a history of providing business training and technical assistance to these individuals. ISED enables them to obtain small loans to start or expand their businesses as an avenue to self-sufficiency. In 1988, Iowa was one of five States involved in a national demonstration program testing microenterprise development as a strategy for helping AFDC recipients become economically independent.

Since that time, ISED has expanded its services statewide to all 99 Iowa counties.

John Else, the head of ISED in Iowa, recently testified before the Senate Small Business Committee, and I quote:

Unfortunately, AFDC recipients in most States are not able to participate in microenterprise programs. The moment they obtain business assets that, combined with their personal assets, have a value of over $1,000, they would become ineligible for AFDC, food stamps, and probably Medicaid. This would not be a responsible decision for their families' well-being.

Thus, too often, individuals on public assistance are left with the unenviable choice of being on public assistance and receiving health care benefits for their family, or taking a minimum wage job with no health care benefits.

Our goal in introducing this bill is to provide two more options for that individual on public assistance who desires a change for her family and is willing to take the challenge of pursuing this goal.

I urge my colleagues to join me in making a change in the asset limit for individuals who are willing to take the challenge of aggressively pursuing financial independence for themselves and their families.

Mr. President, 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. 586

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 "Microenterprise and Asset Development Act".

SEC. 2. DISREGARD OF INCOME AND RESOURCES DESIGNATED FOR EDUCATION, TRAINING, AND EMPLOYABILITY.

(a) DISREGARD AS RESOURCE.—Section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B) is amended—

(1) by striking "or" before "(iv"; and

(2) by inserting ", or (v) in the case of a family receiving aid under the State plan (and a family not receiving such aid but which received such aid in at least 1 of the preceding 4 months or became ineligible for such aid during the preceding 12 months because of excessive earnings), any amount not to exceed $10,000 in a qualified asset account (as defined in section 406(i))) of such family, reduced by the amount (if any) excluded from the resources of the family pursuant to paragraph (46)(A)(i) of this subsection" before "; and

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Section 402(a)(8)(A)) is amended)

(A) by striking "and" at the end of clause (vii); and

(B) by inserting after clause (viii) the following new clause:

"(ix) shall disregard interest or income earned on a qualified asset account (as defined in section 406(i)); and".

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) of such Act (42 U.S.C. 602(a)(17) is amended by adding at the end the following: "; and that this paragraph shall not apply to earned or unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified asset account (as defined in section 206(i)) the total amounts in which, after such placement, does not exceed $10,000;".

(3) TREATMENT AS INCOME.—Section 402(a)(7) of such Act (42 U.S.C. 602(a)(7) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the semicolon at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) shall treat as income any distributions from a qualified asset account (as defined in section 406(i)(1)) which do not meet the definition of a qualified distribution under section 406(i)(2);".

(c) QUALIFIED ASSET ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distributions' means distributions for expenses directly related to 1 or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence.".

(d) STUDY OF USE OF QUALIFIED ASSET ACCOUNTS; REPORT.—The Secretary of Health and Human Services shall conduct a study of the use of qualified asset accounts established pursuant to the amendments made by this section, and shall report on such study and any recommendations for modifications of such amendments to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than January 1, 1996.

(e) REPORT ON AFDC ASSET LIMIT ON AUTOMOBILES.—Within 3 months after the date of the enactment of this section, the Secretary of Health and Human Services shall submit to the Congress a report on—

(1) the need to revise the limitation, established in regulations pursuant to section 402(a)(7)(B)(i) of the Social Security Act, on the value of a family automobile required to be disregarded by a State in determining the eligibility of the family for aid to families with dependent children under the State plan approved under part A of title IV of such Act; and

(2) the extent to which such a revision would increase the employability of recipients of such aid.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 3. DISREGARD OF INCOME AND RESOURCES RELATED TO SELF-EMPLOYMENT.

(a) STATE PLAN REQUIREMENTS.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(1) by striking "and" at the end of paragraph (44);

(2) by striking the period at the end of paragraph (45) and inserting "; and"; and

(3) by inserting after paragraph (45) the following:

"(46) provide that the State agency—

"(A)(i) shall not include as a resource of the family of which a child referred to in paragraph (7)(A) is a member, for purposes of paragraph (7)(B), the first $10,000 of the net worth (assets reduced by liabilities with respect thereto) of all microenterprises (as defined in section 406(j)(1)) owned, in whole or in part, by the child or by a relative or other individual referred to in paragraph (7)(A), for a period not to exceed 2 years; and

"(ii) shall take into consideration as earned income of the family of which the child is a member, only the net profits (as defined in section 406(j)(2)) of such microenterprises, for a period not to exceed 2 years; and

"(B) shall ensure that caseworkers are able to properly advise recipients of aid under the State plan of the option of microenterprise as a legitimate route towards self-sufficiency, and that caseworkers encourage recipients of such aid who are interested in starting a microenterprise to participate in a program designed to assist them in such effort.".

(b) DEFINITIONS.—Section 406 of such Act (42 U.S.C. 606), as amended by section 2(c) of this Act, is amended by adding at the end the following:

"(j)(1) The term 'microenterprise' means a commercial enterprise which has 5 or fewer employees, 1 or more of whom owns the enterprise.

"(2) The term 'net profits' means, with respect to a microenterprise, the gross receipts of the business, minus—

"(A) payments of principal or interest on a loan to the microenterprise;

"(B) transportation expenses;

"(C) inventory costs;

"(D) expenditures to purchase capital equipment;

"(E) cash retained by the microenterprise for future use by the business;

"(F) taxes paid by reason of the business;

"(G) if the business is covered under a policy of insurance against loss—

"(i) the premiums paid for such insurance; and

"(ii) the losses incurred by the business that are not reimbursed by the insurer solely by reason of the existence of a deductible with respect to the insurance policy;

"(H) the reasonable costs of obtaining 1 motor vehicle necessary for the conduct of the business; and

"(I) the other expenses of the business.".

(c) INCLUSION OF MICROENTERPRISE TRAINING AND ACTIVITIES IN THE JOBS PROGRAM.—

(1) IN GENERAL.—Section 482(d)(1) of such Act (42 U.S.C. 682(d)(1)) is amended by adding at the end the following:

"(C) The services and activities referred to in subparagraph (A)—

"(i) in the case that at least 3 percent of the adult recipients of aid under the State plan approved under part A (as of the close of the immediately preceding fiscal year) elect to participate in microenterprise activities, shall include programs described in paragraph (4); or

"(ii) in the case that not more than 3 percent of the adult recipients of such aid elect to participate in microenterprise activities, may include programs described in paragraph (4).".

(2) MICROENTERPRISE PROGRAMS.—Section 482(d) of such Act (42 U.S.C. 682(d)) is amended by adding at the end the following:

"(4) The programs described in this paragraph are programs of public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by—

"(A) providing technical assistance, advice, and business support services (including assistance, advice, and support relating to business planning, financing, marketing, and other microenterprise development activities) to owners of microenterprises and persons developing microenterprises; and

"(B) providing general support (such as peer support and self-esteem programs) to owners of microenterprises and persons developing microenterprises.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under part A of title IV of the Social Security Act for calendar quarters beginning on or after October 1, 1993.

Mr. BUMPERS. Mr. President, I rise to cosponsor the Microenterprise and Asset Development Act, introduced today by my colleague the senior Senator from the State of Iowa. This legislation is an important step toward the goal of reforming the welfare system, which no longer functions as the temporary emergency assistance system it was intended to be. Substantial reform of the welfare system has the support of President Clinton, the cosponsors of this bill, many others in Congress and, most importantly, the American people. I commend my colleague Senator GRASSLEY and his staff for their fine work and perseverance on this legislation, which was passed by the Congress last year, but vetoed by President Bush.

This bill will encourage self-employment and eventual self-sufficiency for certain welfare recipients. It will allow the limited and temporary accumulation of assets by any recipient of welfare or aid for families with dependent children [AFDC] who has established a microenterprise, that is, a business employing five or fewer individuals. This bill will permit such recipients to exclude from the calculation of their assets up to $10,000 of the net worth of the microenterprise.

The current rules regarding assets discourage savings by welfare or AFDC recipients and work to prevent any movement from public assistance toward financial independence. Any such recipient who has more than $1,000 of assets becomes entirely ineligible for welfare benefits, including AFDC food stamps and usually Medicaid. It is simply too risky for someone to try to establish a microenterprise if it means losing the food, shelter, and medical benefits of her family. The Microenterprise and Asset Development Act corrects this counterproductive policy.

About a year and a half ago, Congress enacted legislation which I introduced to establish a Microloan Program at the Small Business Administration. The Microloan Program provides loans and technical assistance grants to nonprofit intermediaries for the purpose of relending the money in amounts up to $25,000 to small businesses and individuals seeking self-employment. I am happy to report that the Microloan Program is off to a good start with 45 intermediaries up and running nationwide and 65 more to receive funding within the near future.

In places, such as Iowa, where waivers to the welfare asset limitations have been in place, microloans have been a successful tool for helping people off of public assistance and into self-employment. Unfortunately, with the current asset limitations for welfare and AFDC recipients, the Microloan Program has been unable to reach many would-be entrepreneurs. The effect of this bill would be to establish waivers for microenterprises nationwide. This change would complement the goals and policies the Microloan Program enacted last year.

Contrary to its intended design, the welfare system has become a way of life for too many people. Its complicated and restrictive rules have destroyed many recipients' will to make a better life for themselves and their families. It has undermined the confidence and self-esteem of many. This bill helps restore the work ethic for welfare and AFDC recipients. It removes barriers to self-sufficiency which should be the goal, not the antithesis, of the welfare system. I strongly support this measure and urge my colleagues to do the same.

By Mr. ROTH (for himself, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. STEVENS, Mr. BINGAMAN, Mr. BURNS, Mr. SIMON, and Mr. THURMOND):

S. 587. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Governmental Affairs.

MIKE MANSFIELD FELLOWSHIP ACT

Mr. ROTH. Mr. President, I rise today for myself, Mr. ROCKFELLER, and others to reintroduce a bill passed by the Senate last year that I believe will have a very significant impact on America's ability to meet the challenge posed by our keen competitor, Japan, and to better manage what Mike Mansfield has called our most important bilateral relationship.

This bill will create a unique opportunity for America's next generation of public sector leaders to help us improve our ability in dealing with Japan.

What this bill proposes is a 2-year fellowship that will allow them to acquire Japanese language abilities, enhance their understanding of Japan's political economy, and most important, actually work within the ministries and agencies of the Government of Japan to gain hands-on experience in how the Japanese system operates.

Candidates who enter this program—top caliber, experienced professionals

from the Federal Government—will have to commit to returning to work for our Government for a minimum of 2 years after completing their fellowships.

The program, while quite modest in cost, holds great promise for filling one of the widest gaps in the policymaking capabilities of the United States Government—the severe shortage of personnel who understand the inner workings of the Japanese Government.

That gap is particularly noticeable when we look at the large numbers of Japanese Government officials from every ministry who have been educated or worked in the United States—in many cases, within United States Government offices.

Since 1966, Japan's national personnel authority has administered a 2-year fellowship program to place Government officials in graduate schools in the United States and other countries. And since 1974, the same agency has placed well more than 300 Japanese Government officials within United States Government agencies or other organizations for terms of about 5 months.

Mr. President, day in and day out, as we debate legislation in this Chamber, Japan emerges as a central point of discussion, whether as an object of blame over trade imbalances, as a way to gain perspective on United States policies, or increasingly, as a means of assessing how the United States is doing in terms of productivity, educational attainment, and competitiveness.

The reason we mention Japan so often has to do with that country's status as the world's second largest economy and with the many Japanese industries and firms that compete so fiercely with those from the United States.

Given the importance of Japan to this country, I believe it is time we had more personnel who understand how Japan works, and even better, personnel who have observed the Japanese political and governmental process from the inside.

I believe this program, within a few years, will vastly strengthen the Federal Government's ability to meet the Japanese challenge. Each year, a minimum of 10 applicants will be selected to receive fellowships.

After only a short period of time we will have significant numbers of talented officials with expertise on Japan placed throughout the Federal Government.

Though I would hope this program proves itself useful enough to merit ongoing funding, it is initially covered for only 4 years—enough to permit three classes of fellows to complete their 2-year programs.

I would hope that as the years pass, private funds will begin to supplement and, over time, significantly replace taxpayer dollars.

Although he is too modest to be interested in monuments and does not encourage those who seek to honor him, I believe it is fitting that this program be named in honor of a man who served his country with immense distinction, both in this body and as Ambassador to Japan—that man, of course, is Mike Mansfield. Today happens to be Mike's 90th birthday.

As all those who had the privilege to serve with him know, Mike Mansfield is a man dedicated to public service and deeply knowledgeable about United States-Japan relations.

Mike Mansfield stated long ago, and has repeated often since, that the United States-Japan relationship is the most important bilateral relationship in the world.

I urge this body to recognize Mike's contributions, and enhance U.S. capabilities in dealing with that bilateral relationship, by supporting the creation of the Mike Mansfield fellowship program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 587

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 "Mike Mansfield Fellowship Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) because Senator Mike Mansfield served his country with distinction and has had a lasting impact on America's relationship with Japan during his tenure in the Senate and later as the United States Ambassador to Japan, it is a fitting tribute to establish in his name the following Fellowship for promising officials of the Federal Government;

(2) Japan is America's second largest trading partner, the second biggest investor in the United States, and America's most serious economic competitor;

(3) despite the challenge and importance of Japan to the United States, few Americans speak Japanese or understand how the country and its government work; and

(4) key agencies of the United States Government involved in United States-Japan relations often lack sufficient personnel versed in the functioning of the Japanese policymaking apparatus.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to enable the United States Government to respond more effectively to the Japanese challenge; and

(2) to provide officials from any branch of the United States Government with intensive Japanese language training and placement as a Fellow in the Government of Japan.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "agency of the United States Government" includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term "agency head" means—

(A) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(B) in the case of the judicial branch of Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(3) the term "Board" means the Mike Mansfield Fellowship Review Board; and

(4) the term "Center" means the Mansfield Center for Pacific Affairs.

SEC. 5. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—(1) There is hereby established the "Mike Mansfield Fellowship Program" pursuant to which the Director of the United States Information Agency will make grants to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 7(5)(C), for such shorter period of time as the Center may determine based on a Fellow's level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan's political economy.

(B) During the second year each fellowship recipient will serve as a Fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, consistent with the purposes of this Act.

(2) Fellowships under this Act may be known as "Mansfield Fellowships", and individuals awarded such fellowships may be known as "Mansfield Fellows".

(b) ELIGIBILITY OF CENTER FOR GRANTS.—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 7.

(c) INTERNATIONAL AGREEMENT.—As the program established under this section can succeed only with the full and willing cooperation of the Government of Japan, the Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing Fellows in the Government of Japan.

(d) USE OF FEDERAL FACILITIES.—The Foreign Service Institute is authorized and encouraged to assist, on a reimbursable basis, in carrying out Japanese language training by the Center through the provision of classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute's carrying out its other responsibilities under law.

SEC. 6. FUNDING.

(a) PRIVATE SOURCES.—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Board described in section 9.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Information Agency—

(1) for fiscal year 1994, $1,213,000,

(2) for fiscal year 1995, $2,289,000,
(3) for fiscal year 1996, $2,403,000, and
(4) for fiscal year 1997, $1,553,000,
to fund three two-year classes of Fellows to carry out this Act.

SEC. 7. PROGRAM REQUIREMENTS.

The program established under this Act shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this Act shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government.

(2) Not less than 10 fellowships shall be awarded each year.

(3) Mansfield Fellows shall agree—

(A) to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds; and

(B) to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the Fellow is unable (for reasons beyond the Fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide each Mansfield Fellow—

(A) a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, a temporary quarters subsistence allowance for up to 7 days for Fellows unable to find housing immediately upon arrival in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to $3,000 for personal belongings of Fellows and their families in their move to Japan and up to $500 for Fellows residing outside the Washington, D.C. area in moving to the Washington, D.C. area, and one-round-trip economy-class airline ticket to Japan for each Fellow and the Fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide Fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a Fellow has Japanese language skills or knowledge of Japan's political economy, and the 2 year fellowship period shall be shortened to the extent such training is less than one year.

(6) Any Mansfield Fellow not complying with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9); and

(B) Pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the Fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the Fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select Mansfield Fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist any Mansfield Fellow in finding employment in the Federal Government if such Fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a Fellow.

(9) No Mansfield Fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The accounts of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Center are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Board no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

SEC. 8. SEPARATION OF GOVERNMENT PERSONNEL DURING THE FELLOWSHIPS.

(a) SEPARATION.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this Act.

(b) REEMPLOYMENT.—Any Mansfield Fellow, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5, United States Code.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 8347(o), 8713, or 8914 of title 5, United States Code, and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a Mansfield Fellow, is entitled to the same rights and benefits as if covered by section 3582 of title 5, United States Code. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5, United States Code.

(d) COMPLIANCE WITH BUDGET ACT.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

SEC. 9. MANSFIELD FELLOWSHIP REVIEW BOARD.

(a) ESTABLISHMENT.—There is hereby established the Mansfield Fellowship Review Board.

(b) COMPOSITION.—The Board shall be composed of 11 individuals, as follows:

(1) The Secretary of State, or the Secretary's designee.

(2) The Secretary of Defense, or the Secretary's designee.

(3) The Secretary of the Treasury, or the Secretary's designee.

(4) The Secretary of Commerce, or the Secretary's designee.

(5) The United States Trade Representative, or the Trade Representative's designee.

(6) The Chief Justice of the United States, or the Chief Justice's designee.

(7) The Majority Leader of the Senate, or the Majority Leader's designee.

(8) The Minority Leader of the Senate, or the Minority Leader's designee.

(9) The Speaker of the House of Representatives, or the Speaker's designee.

(10) The Minority Leader of the House of Representatives, or the Minority Leader's designee.

(11) The Director of the United States Information Agency, who shall serve as the chairperson of the Board, or the Director's designee.

(c) FUNCTIONS.—(1) The Board shall review the administration of the program assisted under this Act.

(2)(A) Each year at the time of the submission of the President's budget request to the Congress, the Board shall submit to the President and the Congress a report completed by the Center with the approval of the Board on the conduct of the program during the preceding year.

(B) Each such report shall contain—

(i) an analysis of the assistance provided under the program for the previous fiscal year and the nature of the assistance provided;

(ii) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, including the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligations under the program; and

(iii) an analysis of the results of the program for the previous fiscal year, including, at a minimum, the cumulative percentage of individuals who received assistance under the program who subsequently became employees of the United States Government and, in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance given to those recipients.

(d) COMPENSATION.—Members of the Board shall not be paid compensation for services performed on the Board.

(e) AVAILABILITY OF SUPPORT STAFF.—The Director of the United States Information Agency is authorized to provide for necessary secretarial and staff assistance for the Board.

(f) RELATIONSHIP TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Board to the extent that the provisions of this section are inconsistent therewith.

Mr. BAUCUS. Mr. President, today, it is my great pleasure to join with several of my colleagues as an original cosponsor of legislation introduced earlier today to establish the Mike Mansfield Fellowship Program.

The Mike Mansfield Fellowship Program will benefit our country's promising public servants interested in United States-Japan relations by providing intensive training in the Japanese language, Government, politics, and economy.

I cannot think of a more fitting tribute to Mike Mansfield on his 90th birthday.

First, I want to say a few words about the 2-year fellowship this bill creates, and why it is a crucial step forward.

Japan is the world's second largest economy. In addition to being America's most serious economic competitor, Japan is our second largest trading partner and the second biggest investor in the United States. Nonetheless, many Americans—including those in public service—are unfamiliar with the workings of the Japanese Government, Japanese lifestyles, or the Japanese language.

The Mike Mansfield Fellowship Program will provide a lasting educational opportunity for selected United States Government officials to broaden their understanding of Japan. Individuals from all branches of the Federal Government are eligible and will receive extensive training in the Japanese language and political economy. Furthermore, as Mansfield fellows they will be placed in various ministries and agencies of the Government of Japan which will give them a firsthand perspective at Japanese policymaking.

At the conclusion of the 2-year fellowship, participants will be required to return to work with the Federal Government in order that their expertise will be put to immediate use. Given the significance of our working relationship with Japan, I firmly believe that this program will afford the United States with an excellent opportunity to better understand Japanese culture, its Government and economy.

Our Nation trades goods and services with Japan at a rate unprecedented in the history of either of our countries—and there is no reason to think that we will see less trade in the future. Now is the time to face these challenges squarely, and the Mike Mansfield Fellowship Program will help us do just that.

I would now like to spend a few moments to speak about Mike Mansfield. Being a fellow Montanan, I am proud to have had the opportunity to know Mike. And, as I have already mentioned, today is Mike's 90th birthday. That is why it is particularly significant that this legislation should be introduced today.

Those of you who know Mike also know that, if he were here today, he would have very little to say about himself. Mike is that rare breed of political leader who knows it is often hard to improve upon silence. Yet, underneath that quiet demeanor, is one of the most interesting and engaging human beings to ever enter American politics.

I believe that the most noble human endeavor is service. And Mike Mansfield is the most noteworthy example of this that I can recall. He began his career teaching Asian studies at the University of Montana and then Mike rounded out his career in public service. He spent 10 years in the House of Representatives, and then spent 24 years in the U.S. Senate where he rapidly rose to the position of majority leader where he served 17 years.

Following his retirement from the Senate, Mike served in the executive branch. President Carter appointed Mike as Ambassador to Japan. Although Mike always has been and always will be a Democrat, President Reagan recognized his talents and asked him to stay on in Tokyo for another 8 years.

Today, Mike remains remarkably active. As a leading authority on Asian and Pacific affairs, his advice is widely sought by world leaders.

Mike's career is truly a profile in public service. And he remains an inspiration for us all. I am sure that those of us here today join in sending Mike our very heartfelt 90th birthday wishes.

Mike is without doubt one of America's most distinguished leaders and true statesmen. The Mike Mansfield Fellowship Act is a wonderful way to recognize his faithful service to his fellow countrymen, and the world.

Essentially, this is something Mike Mansfield would not only approve of but it is in the Mike Mansfield spirit. Mike used to always say if you are going to achieve results, if you are going to be effective, you have to put yourself in the shoes of the other person and walk around in them for a while so you understand the other person's point of view. Because sometimes the other person is right, believe it or not. You could learn something.

This is exactly what this program is about. I take great pleasure in supporting it. Mike's career is truly a profile of public service. It remains an inspiration for all of us. I am sure those of us here today join in sending Mike very heartfelt 90th birthday wishes. I would also like to add my best wishes to Maureen, Mike's wife, who celebrates her birthday this month as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, it gives me a great deal of joy to join my colleague from Montana in wishing Mike Mansfield a happy birthday today.

For most folks, the only special thing about today is that it is the day before our favorite Irish celebration, St. Patrick's Day. But March 16 is indeed a special day in its own right. It is the birthday of a well-loved and well-respected individual born to an Irish immigrant family in 1903; a man who is considered by those of us from the Big Sky Country of Montana to be the most distinguished political figure of our State's history.

It is the birthday of a man who has proven to be one of the most respected Members of the U.S. Senate, a man who served as majority leader from 1961 until 1977—the longest period of service in this post—who went on to serve as the Ambassador to Japan for 12 years, and who is today considered one of the Nation's foremost experts on Far Eastern affairs.

Mr. President, today is the birthday of Senator Mike Mansfield.

As you look back on the history of this great body, you realize that the Halls of Congress have seen many great men and women. Each one of my colleagues will leave a mark on this institution, as those who have come before us have in one way or another. But there are those whose fingerprints will never fade, like the fingerprints of Mike Mansfield.

In my home State of Montana, the name Mike Mansfield is an institution in and of itself. Raised in Butte, Mike went on to teach history at the University of Montana in Missoula. He dove into politics in the 1940's, and won a House seat for the western congressional district in 1942. Ten years later he won a Senate seat. In 1961, he ran for majority leader, a position he did not seek out but one that was pressed upon him by his colleagues.

As majority leader, Senator Mansfield was a team player, a consensus builder. He understood that the rules of American politics were changing. He reached across party lines, encouraged equality among Members and gave Senators the opportunity to express their voice on key issues of importance.

In his own right, Senator Mansfield became an expert in foreign affairs, particularly concerning Far Eastern affairs. His many awards include the Presidential Medal of Freedom, awarded by President Reagan, and the Grand Cordon of the Order of the Rising Sun presented by Japanese Prime Minister Takeshita.

Senator Mike Mansfield is a man who I admire and respect deeply.

I sought his counsel when I first came to this body some 4 years ago. I

am honored to have known him and honored to have this opportunity to serve Montana in the best tradition as he did before me.

I also pass along my holiday greetings to his wife, Maureen.

Thank you, Mike Mansfield, for the service you gave this body and the Nation. And happy birthday.

By Mr. ROBB:

S. 588. A bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

SAFE ABOVEGROUND STORAGE TANK ACT OF 1993

Mr. ROBB. Mr. President, I rise today to introduce legislation to address what is one of the last remaining major gaps in Federal environmental law: The regulation of aboveground storage tanks.

For the past 2½ years, those of us who live in northern Virginia, have received an education about just how flawed the current Federal law is.

In September 1990, a petroleum sheen was discovered in a neighborhood creek in the Mantua-Stockbridge community in Fairfax County.

It was the beginning of a continuing nightmare for a number of local residents, who have had to live with the knowledge that more than 200,000 gallons of petroleum product—diesel oil, jet fuel and gasoline—has leaked from the nearby Pickett Road tank farm.

The exact size of the leak, and its precise sources, are still unknown. What is known to all is that there are no winners. Some residents have been evacuated, others have simply moved, and still others continue to live with a cloud over their heads.

To date, Star Enterprise, a Texaco affiliate, has had to expend an estimated $200 million in compensation: the sum of $50 million for medical and other damages and $150 million for decreased property values.

Across the Nation, there are hundreds of similar leaks from aboveground petroleum storage tanks.

Major releases have occurred in Anchorage, AK; Torrance, CA; Port Everglades, FL; Hartford, IL, Granger, IN; Cattlettsburg, KY; Sparks, NV; Paulsboro, NJ; Syracuse, NY; Greensboro, NC; Ponca City, OK; Philadelphia, PA; Spartanburg, SC; Austin, TX; and Tacoma, WA.

At least five involve releases larger than the *Exxon Valdez* oil tanker catastrophe.

Whereas the *Exxon Valdez* spilled some 11 million gallons of oil, "aboveground tanks in El Segunda, CA have released between 84 and 252 million gallons.

In Martinez, CA, 28 million gallons have been released.

A Tulsa, OK facility has released between 25 and 28 million gallons, and a Whiting, IN facility released 17 million gallons.

In Brooklyn, NY, residents are sitting on top of a 13 to 17 million gallon release.

According to the Environmental Defense Fund [EDF], between 20 percent and 25 percent of AST's nationwide and their associated piping and are likely to be leaking, and since most facilities contain more than one tank, EDF estimates that more than 50 percent of all aboveground storage facilities have leaks.

These leaks occur from the bases of tanks where contact with soil causes corrosion; from piping; and from overflows associated with the transfer of product.

Because petroleum contracts and expands as temperatures vary, it is often difficult to detect leaks. And because petroleum is relatively cheap, it is often less expensive to allow a known leak to continue than to interrupt operations and make a repair.

Because aboveground storage tank leaks are often slow and underground, they frequently do not receive the attention of the big oil tanker catastrophes.

But the release can present serious health, safety and environmental risks. Petroleum contains extremely toxic compounds, like benzene; and refined petroleum contains even more toxic components.

A plume of petroleum product can seep into basements and sewers, reaching toxic levels and causing explosions and threat of fire.

In addition, leaking aboveground tanks can permanently contaminate groundwater, a source of drinking water for more than half the Nation.

In many cases, groundwater contamination will inevitably lead to surface water contamination.

What is astounding is that where underground storage tanks are highly regulated, aboveground storage tanks, used to store some 100 billion gallons of oil nationwide, are only loosely regulated by a patchwork of weak regulations.

The GAO has concluded that current laws are inadequate.

At the most elementary level, current law does not even require comprehensive data collection to know how many aboveground storage tanks leak.

What regulations there are, on the books, are largely reactive; there are no credible requirements for prevention of spills like the one in Fairfax.

State authorities are beginning to take notice of the aboveground storage tank problem, but only 15 States have regulations on the books, and only 5 currently require genuine secondary containment, such as a double bottom or liner under a tank or piping.

This is an enormous problem today; and it will likely grow in the future as storage operators seek to exploit the loophole in current Federal law by moving new tanks aboveground.

Already, according to a survey conducted by the Steel Tank Institute, new tank purchases of aboveground tanks are running ahead of underground tanks by a 5:2 ratio.

This is troublesome from an environmental standpoint, and also from a fire safety perspective since aboveground tanks pose a much greater risk of fire hazard than underground tanks.

Last year, I cosponsored legislation offered by the distinguished Senator from South Dakota, Senator DASCHLE, to regulate the estimated 800,000 to 900,000 petroleum aboveground tanks, nationwide.

Residents in Senator DASCHLE's home State were victims in 1987 of a horrific 20,000-gallon leak in which an elementary school had to be evacuated and abandoned after vapors began filtering up into the building.

I am pleased to be an original cosponsor of Senator DASCHLE's legislation again this year, reintroduced, as S. 389.

The legislation I am introducing today in the Senate, and being introduced by Representative JIM MORAN in the House, is very similar to the Daschle bill.

Both bills would seek to regulate aboveground storage tanks which store either petroleum, or certain hazardous substances, regulated under Superfund, in a manner similar to the regulation of underground storage tanks.

The key to the bill is prevention.

The EPA Administrator is directed to issue regulations which would set performance standards for new and rebuilt tanks designed to prevent releases.

These design and construction standards would aim to prevent corrosion. Secondary containment systems, much like double hulls on oil tankers, would be required. Regular inspections and spill and overflow prevention would also be required.

To minimize the impact of leaks which do occur, tanks would be required to install release detection systems. Tank owners would also be required to develop corrective action plans and obtain insurance to ensure their financial responsibility.

Finally, to fill the vacuum in existing data, owners would be required to report information about their tanks, and to report any releases exceeding 42 gallons.

All of these requirements would affect both new tanks, and existing tanks, after a 10-year phasein period. Since half of all existing tanks are at least 20 years old, many of these old tanks would be retired anyway during the 10-year phasein.

Finally, should a release occur, the bill gives EPA the authority to shut down a facility, prohibiting further operation until the Administrator determines that the prohibition "is not necessary to protect human health and the environment."

That is to say, once a release occurs, the burden shifts to the tank owner to cease operations until it can prove there is no ongoing threat.

The citizens in Fairfax were outraged when told that EPA lacked such authority; this bill provides it.

As with many environmental laws, the act allows States to run the program if the State includes all requirements and standards of Federal law and provides adequate enforcement of compliance.

The law does not preempt States from setting more stringent standards. In taking a closer look at this legislation, Representative MORAN and I made three changes to the excellent bill Senator DASCHLE has drafted.

First, we provide an exemption for small fire-protected tanks to refocus the bill's firepower on the larger Fairfax-type facilities.

This exemption is meant to cover small fleet refueling stations, small industrial facilities, and certain gasoline service stations which have up to three 12,000 gallon tanks.

These tanks must be fire protected to qualify for the exemption for two reasons.

First, the increased reliance on aboveground tanks poses a real threat to firefighters, a threat which the uniform fire codes are increasingly recognizing and which Congress ought to codify.

Second, fire protected tanks employ secondary containment, and are therefore environmentally sound.

While small fire protected tanks are exempt from most of the bill's requirements—performance standards, release detection, inspection, and financial responsibility—these tanks would still have to comply with the notification requirements of the bill.

Second, the legislation being introduced today provides an exemption for production tanks, those tanks used to store oil near the wellhead.

As with small fire-protected tanks, the exemption for production tanks does not extend to the bill's notification requirements. Production tank owners would still be required to notify EPA of the existence of the tanks and of any releases.

Production tanks present much less of an environmental, safe, and health risk than other types of tanks—refining and marketing—for a variety of reasons. Production tanks are generally located in less populated areas. They hold crude oil, which is more viscous than refined product, and is less likely to seep quickly into groundwater. They are generally moved around from well to well, and can be examined on each occasion, so they are more likely to be in better repair than other types of tanks.

Production tanks are generally smaller—21,000 gallons on average—than marketing tanks—which are 230,000 gallons on average—or refining tanks—which are 1,323,000 gallons on average.

And, empirically, production tanks have not posed much of an environmental problem.

At the same time, exempting production tanks should drastically reduce the overall cost of the legislation to business and improve the chances of the bill's passage.

Third, this legislation is introduced as a free standing bill, not as an amendment to RCRA.

Although the bill could easily become a part of RCRA, we think the problem is of sufficient magnitude that the bill can move on its own.

It is our hope that the introduction of this legislation today will help move this issue forward.

We have tried to offer a leaner version of earlier legislation, which will impose less cost on business, and pose less political obstacles, but still go to the heart of the problem: The large marketing and refining facilities which hold the potential for environmental catastrophe.

The Environmental Defense Fund says that the new, leaner version of this bill would impose a cost on industry of between $8.4 and $9.7 billion.

Almost 70 percent of the costs would be paid by large aboveground tank facilities with capacities over 1 million gallons.

EDF estimates the benefits of the legislation, the savings to industry, and the general public, at $17.4 billion.

The savings result from reduced leak cleanup costs; saved petroleum product; and reduced costs associated with compensating affected residents.

In closing, Mr. President, I think the time has come to write the Safe Aboveground Storage Tank Act of 1993 into law.

I have spoken briefly with EPA Administrator Carol Browner about this issue, and I look forward to working with her, with Senator DASCHLE, with Representative MORAN, and with the chairmen of the relevant congressional committees to make this legislation a reality.

I send the bill to the desk and ask that it be appropriately referred.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Aboveground Storage Tank Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Notification.
Sec. 5. Release detection, prevention, and correction regulations and inspection requirement.
Sec. 6. State programs.
Sec. 7. Access to information.
Sec. 8. Federal enforcement.
Sec. 9. Federal facilities.
Sec. 10. Studies of aboveground storage tanks.
Sec. 11. Consolidation with underground tank program
Sec. 12. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) as a result of pressing environmental concerns about undetected leaking underground tanks, and increased regulation of such tanks, increasing amounts of petroleum products are being stored aboveground in tanks of all sizes;

(2) aboveground tanks, originally in disfavor because of fire protection concerns, are increasingly popular because of their ability to be easily monitored for leaks and spills;

(3) State and local fire authorities have consistently regulated small aboveground tanks and their current strict fire safety requirements have proven to provide excellent environmental protection as well; and

(4) to date no Federal legislation has existed that comprehensively regulates aboveground tanks of all sizes and their associated piping for environmental protection concerns.

(b) PURPOSES.—The purpose of this Act is to establish a comprehensive program for the regulation of aboveground storage tanks to promote environmental protection and protection against fires by ensuring that all aboveground storage tanks are managed in accordance with Federal environmental standards designed to prevent leaks and spills and to assure expeditious spill reporting and cleanup.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ABOVEGROUND STORAGE TANK.—

(A) IN GENERAL.—The term 'aboveground storage tank' means any one or combination of tanks located aboveground (including any pipe connected to the tank) that is used to contain an accumulation of regulated substances and that is located at least 90 percent above the surface of the ground (as measured by volume), including—

(i) a field-erected tank;

(ii) a rebuilt tank;

(iii) a shop-fabricated tank; and

(iv) a storage tank situated in an underground area (including a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated on or above the surface of the floor.

(B) EXCLUSIONS.—The term shall not include any of the following:

(i) A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(ii) A tank of 1,100 gallons or less capacity used for storing heating oil for consumptive use on the premises where stored.

(iii) A stationary tank of 1,100 gallons or less capacity used for storing fuel to supply stationary fuel-fired equipment through a system of fixed valves and piping.

(iv) A storm water or waste water collection system.

(v) A flow-through process tank.

(vi) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(vii) Except as provided in section 4 and in subsections (i) and (j) of section 5, a fire-pro-

tected tank regulated by State or local fire regulatory authorities with a capacity of not more than 12,000 gallons located at a facility with a cumulative tank capacity of not more than 42,000 gallons.

(viii) Except as provided in section 4, a production tank.

(ix) A pipe connected to a tank, system, trap or line described in clauses (i) through (vi).

(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

(3) FACILITY.—The term 'facility' means, with respect to an owner or operator, all aboveground storage tanks and their associated piping used for the storage of regulated substances that are owned or operated by the owner or operator and located on a single parcel of property (or on contiguous or adjacent property).

(4) FIELD-ERECTED TANK.—The term 'field-erected tank' means an aboveground storage tank that is primarily assembled, erected, inspected, and tested for releases on the site where the tank is intended to be operated.

(5) FLOW-THROUGH PROCESS TANK.—

(A) IN GENERAL.—The term "flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process.

(B) EXCLUSIONS.—The term does not include a tank used—

(i) for the storage of materials prior to introduction of the materials into the production process; or

(ii) for the storage of finished products or byproducts from the production process.

(6) NONOPERATIONAL STORAGE TANK.—The term 'nonoperational storage tank' means an aboveground storage tank in which regulated substances are not deposited, and from which regulated substances are not dispensed, after the date of enactment of this Act.

(7) OPERATOR.—The term 'operator' means a person who is in control of, or has responsibility for, the daily operation of an aboveground storage tank.

(8) OWNER.—

(A) The term 'owner' means—

(i) in the case of an aboveground storage tank in use on the date of enactment of this Act, or brought into use after that date, a person who owns an aboveground storage tank used for the storage, use, or dispensing of regulated substances; and

(ii) in the case of an aboveground storage tank in use before the date of enactment of this Act, but no longer in use after that date, a person who owned the tank immediately before the discontinuation of its use.

(B) EXCLUSION.—The term does not include a person who holds indicia of ownership primarily to protect his security interest in the tank, unless, through foreclosure or other related actions, the person takes possession of the tank.

(9) PERSON.—The term 'person' has the same meaning as provided in section 1004(15) of the Solid Waste Disposal Act (42 U.S.C. 6903(15)), except that the term also includes any consortium, joint venture, or commercial entity, and the United States Government.

(10) PETROLEUM.—The term 'petroleum' means petroleum, including crude oil or a fraction of crude oil, that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

(11) PRODUCTION TANK.—The term "production tank" means a tank used to contain fluids derived from, or associated with, oil or natural gas exploration or production.

(12) FIRE-PROTECTED TANK.—

(A) IN GENERAL.—The term 'fire-protected tank' means an inner tank that is surrounded by a barrier that provides not less than a 2-hour pool fire resistive rating, that is impact-resistant, that has integral or external secondary containment, that contains liquid with a flash point below 140 degrees Fahrenheit, whose exterior surface (including connecting piping) and the floor beneath the tank is monitored, and that is constructed and installed in accordance with the model fire code requirements described in subparagraph (B).

(B) MODEL FIRE CODE REQUIREMENTS.—(i) Subject to clause (ii), the requirements referred to in subparagraph (A) are the requirements of 1 or more of the following model fire codes: National Fire Protection Association (30) or (30-A), the National Fire Code of the Building Officials and Code Administrators International, Inc., the Uniform Fire Code of the International Fire Code Institute, and the Standard Fire Prevention Code of the Southern Building Code Congress International.

(ii) A model fire code listed in clause (i) may be used for purposes of subparagraph (A) only if the requirements of the code are as stringent as, or more stringent than, the requirements of the code as the code existed on the date of the enactment of this Act.

(C) NEW TECHNOLOGIES.—The term 'fire-protected tank' includes any tank with a capacity of not more than 12,000 gallons that uses technologies developed after the date of the enactment of this Act and that provides protection against fire, and protection of the environment, that is equivalent or superior (as determined by the Administrator) to the protection provided by a tank meeting the requirements of subparagraph (A).

(D) APPLICATION OF PROTECTION MATERIAL ON NEW TANKS.—In the case of a tank brought into use after the date of the enactment of this Act, the tank shall be considered a fire-protected tank only if the protection material required by industry and model fire codes is fully applied or installed on the inner storage tank at the manufacturing site prior to inspection and testing for release and shipment.

(E) FLASH POINT DEFINED.—As used in this paragraph, the term "flash point" shall have the meaning provided by the Administrator, determined in accordance with—

(i) testing methods under the regulations on management standards for hazardous waste under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.); and

(ii) the model fire code requirements described in subparagraph (B).

(13) REBUILT TANK.—The term "rebuilt tank" means an aboveground storage tank that was in use, was disassembled, and was subsequently erected elsewhere.

(14) REGULATED SUBSTANCE.—The term "regulated substance" means—

(A) a substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) (but not including a substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.)); and

(B) petroleum.

(15) RELEASE.—The term "release" means any spilling, leaking, pumping, pouring, emptying, dumping, emitting, discharging, escaping, leaching, or disposing from an aboveground storage tank into ground water, surface water, or soil.

(16) SECONDARY CONTAINMENT.—The term "secondary containment" means a system that is used for release prevention (including release prevention underneath the tank), including any of the following:

(A) A system capable of catching and holding 110 percent of the full capacity of the tank and the associated piping of the tank.

(B) A double-walled tank with appropriate venting and double-walled piping.

(C) An external liner.

(D) A fire-protected tank, the secondary containment portion of which is capable of retaining at least 100 percent of the contents of the inner tank and the associated piping of the inner tank.

(E) A system or structure constructed in such manner that any release would be collected by a drainage system or structure and routed to a waste water treatment system with an appropriate permit issued by the Administrator, plant recirculating process system, or alternate containment system approved by the Administrator.

SEC. 4. NOTIFICATION.

(a) ABOVEGROUND STORAGE TANKS.—

(1) IN GENERAL.—

(A) EXISTING TANKS.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, each owner of an aboveground storage tank shall notify the State or local department or agency designated pursuant to subsection (b) of the existence of the aboveground storage tank. The notification shall specify the age, size, type, location, and uses of the tank.

(B) TANKS NOT IN OPERATION.—

(i) IN GENERAL.—For each aboveground storage tank taken out of operation after January 1, 1977, the owner shall, not later than 1 year after the date of enactment of this Act, notify the State or local department or agency designated pursuant to subsection (b) of the existence of the tank.

(ii) CONTENTS OF NOTICE.—The notice required under clause (i) shall specify each of the following, to the extent known to the owner:

(I) The date the tank was taken out of operation.

(II) The age of the tank on the date it was taken out of operation.

(III) The size, type, and location of the tank.

(IV) The type and quantity of substances remaining in the tank on the date it was taken out of operation, or if the tank was cleaned and purged of residue after that date.

(V) The type and quantity of substances remaining in the tank on the date the notification is made.

(VI) The type of release detection system, if any, and the extent of any known soil or ground water contamination.

(VII) The materials out of which the tank was constructed.

(C) FUTURE TANKS.—An owner who brings into use an aboveground storage tank after the initial notification period specified under subparagraph (A) shall, not later than 30 days after the bringing of the tank into use, and every 2 years thereafter, notify the State or local department or agency designated pursuant to subsection (b) of the existence of the tank, specifying each of the following:

(i) The age of the tank.

(ii) The size, type, and location of the tank.

(iii) The uses of the tank.

(iv) The type of release detection system.

(v) The materials out of which the tank was constructed.

(2) EXCEPTION.—Paragraph (1) shall not apply to hazardous waste tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(c)).

(3) NOTIFICATION BY DEPOSITORS.—During the period beginning on the date that is 30 days after the Administrator prescribes the form of notice pursuant to subsection (c) and ending on the date that is 18 months after that date, a person who deposits regulated substances in an aboveground storage tank shall immediately notify the owner or operator of the notification requirements of the owner under this subsection.

(4) NOTIFICATION BY SELLERS.—Beginning 30 days after the Administrator issues new tank performance standards pursuant to section 5(e), a person who sells a tank intended to be used as an aboveground storage tank shall notify the purchaser of the tank of the notification requirements of the owner under this subsection.

(5) NOTICE OF PETROLEUM RELEASE OR SPILL.—Each owner of an aboveground storage tank shall, immediately upon discovery, notify the Administrator (or the State department or agency designated under subsection (b) in the case of a State exercising primary enforcement responsibility) of any spill or other release of one barrel (42 gallons) or more of petroleum from such tank.

(b) AGENCY DESIGNATION.—Not later than 180 days after the date of enactment of this Act, the Governor of each State shall designate an appropriate department or agency of the State, or of a political subdivision of the State, to receive the notifications under paragraphs (1) and (5) of subsection (a).

(c) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with State and local officials designated pursuant to subsection (b), and after notice and opportunity for public comment, shall issue regulations prescribing the form of the notice and the information to be included in the notifications required under subsection (a)(1). In prescribing the form of the notice, the Administrator shall take into account the effect of the requirements on small business concerns (as defined in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), and on other owners and operators.

(d) STATE INVENTORIES.—

(1) IN GENERAL.—Each State shall prepare two separate inventories of all aboveground storage tanks in the State containing regulated substances, one inventory with respect to petroleum, and one with respect to other regulated substances. In preparing the inventories, the State shall utilize and aggregate the data in the notification forms submitted pursuant to subsection (a).

(2) SUBMISSION OF DATA.—Each State shall submit the aggregated data described in paragraph (1) to the Administrator not later than 2 years after the date of enactment of this Act.

(e) FEES.—

(1) IN GENERAL.—Each notice submitted under paragraph (1) of subsection (a) shall be accompanied by the payment of a fee payable to the department or agency designated under subsection (b). The amount of the fee shall be determined in accordance with the following schedule:

Total tank capacity	Total amount of fee
0 to 42,000 gallons	$50
42,001 to 100,000 gallons	100
100,001 to 1,000,000 gallons	200
1,000,001 to 10,000,000 gallons	500
10,000,001 or more gallons	1,000

(2) USE OF FEES.—The fees collected under this subsection shall be used for any or all of the following:

(A) To conduct training for inspection personnel on environmental and fire protection factors relating to tank safety.

(B) To fund the costs of the department or agency of administering notification and inspection requirements under this section.

(C) To fund research approved by the Administrator to determine methods for better assessing and remedying soil and water contamination from leaking aboveground storage tanks.

(D) To reimburse departments and agencies of States and departments and agencies of political subdivisions of States for the reasonable costs of responding to, and overseeing the cleanup or abatement of, any incident or disaster involving an aboveground storage tank spill or release.

(f) APPLICABILITY TO CERTAIN FIRE-PROTECTED TANKS.—Notwithstanding section 3(1)(B)(vii), the notification provisions of this section shall apply to fire-protected tanks under the jurisdiction of a fire regulatory authority of a State or of a political subdivision of a State.

(g) APPLICABILITY TO PRODUCTION TANKS.—Notwithstanding section 3(1)(B)(viii), the notification provisions of this section, other than subsection (e), shall apply to production tanks.

SEC. 5. RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS AND INSPECTION REQUIREMENT.

(a) REGULATIONS.—Not later than 6 months before the applicable effective date specified in subsection (g), the Administrator, after providing notice and opportunity for public comment, including convening a public meeting, shall issue such release detection, prevention, and correction regulations applicable to all owners and operators as are necessary to protect human health and the environment.

(b) DISTINCTIONS IN REGULATIONS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Subject to subparagraph (B), in issuing regulations under this section, the Administrator may distinguish aboveground storage tanks by type, class, or age.

(B) PETROLEUM TANKS.—The regulations for aboveground storage tanks containing petroleum shall be no less stringent than the regulations for aboveground storage tanks containing other regulated substances.

(2) FACTORS.—In making the distinctions described in paragraph (1), the Administrator may take into consideration each of the following factors:

(A) Location of tanks.

(B) Soil and climate conditions.

(C) Uses of tanks.

(D) History of maintenance of tanks.

(E) Ages of tanks.

(F) Industry standards at the time of issuance of the regulations.

(G) National consensus codes.

(H) National fire protection codes.

(I) Hydrogeology.

(J) Water table.

(K) Sizes of tanks.

(L) Quantity of regulated substances periodically deposited in or dispensed from tanks.

(M) Technical capability of owners and operators.

(N) Compatibility of the regulated substance and the materials of which the tanks are fabricated.

(O) Other factors that the Administrator considers appropriate.

(c) REQUIREMENTS.—The regulations issued pursuant to this section shall include each of the following, with respect to all aboveground storage tanks:

(1) RELEASE DETECTION SYSTEM.—Requirements for maintaining a release detection system for the facility at which the tank is located or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment.

(2) RECORDKEEPING.—Requirements for maintaining records of any monitoring or release detection system or inventory control system (and tank testing) or comparable system.

(3) PREVENTION OF RELEASES.—Requirements for the prevention of releases, including—

(A) certified inspection of field-erected tanks, rebuilt tanks, and shop-fabricated tanks, for which the Administrator shall establish a timetable;

(B) maintaining records of regular visual inspection and of the certified inspection required pursuant to subparagraph (A);

(C) inspection procedures, including—

(i) periodic emptying of aboveground storage tanks; and

(ii)(I) internal inspection; or

(II) standards for tanks that cannot be entered;

(D) corrosion protection of tank bottoms in contact with the ground;

(E) labeling of tanks; and

(F) spill and overfill prevention devices and containment and recovery procedures.

(4) REPORTING OF RELEASES.—Requirements for reporting of releases and corrective action taken in response to a release (including reporting to the national response center established pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)), except for those releases required to be reported under any other provision of Federal law.

(5) CORRECTIVE ACTION.—Requirements for taking corrective action in response to a release, including the recovery of petroleum for reuse, in any case in which the recovery is practicable.

(6) TANK CLOSURE.—Requirements for the closure of a tank from which a release has occurred in order to prevent another release from occurring.

(7) UPGRADING CERTAIN TANKS.—Requirements for the upgrading of existing tanks (in existence on the date of the enactment of this Act), including the upgrading of associated piping, to new tank performance standards promulgated pursuant to subsection (e) not later than 10 years after the date of enactment of this Act. The requirements shall include a requirement that any underground piping associated with a tank in existence on the date of promulgation of the regulations shall be moved above ground at the time the tank is upgraded unless moving the piping is infeasible because of road layouts or other similar obstacles.

(8) FINANCIAL RESPONSIBILITY.—Requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases, in accordance with subsection (d).

(9) SOIL AND GROUND WATER ASSESSMENT.—In any case in which a fire-protected tank is

located at a facility with a cumulative tank capacity of more than 42,000 gallons, or in which any unprotected tank is located at a facility with a cumulative tank capacity of 42,000 gallons or less, requirements for the facility—

(A) to carry out an assessment of the soil and ground water; and

(B) to report any releases to the national response center established pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and to the department or agency of the State or department or agency of a political subdivision of the State designated pursuant to section 4(b).

(d) FINANCIAL RESPONSIBILITY.—

(1) IN GENERAL.—

(A) IN GENERAL.—An owner or operator of an aboveground storage tank shall be required to demonstrate financial responsibility in accordance with regulations issued by the Administrator pursuant to subsection (c)(8).

(B) METHODS.—Financial responsibility may be demonstrated by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator.

(C) CONTRACTUAL TERMS.—In issuing regulations under this subsection, the Administrator may specify a term of an insurance policy or any other contractual term, condition, or defense as necessary for, or as unacceptable for, the establishment of evidence of financial responsibility in order to carry out this Act.

(2) BANKRUPTCY.—

(A) IN GENERAL.—If the owner or operator is in bankruptcy, reorganization, or arrangement, pursuant to the Federal Bankruptcy Code (11 U.S.C. 1 et seq.), or if, with reasonable diligence, jurisdiction in a Federal court or State court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, a claim arising from conduct for which evidence of financial responsibility is required to be provided under this subsection may be asserted directly against the guarantor providing the evidence of financial responsibility.

(B) RIGHTS AND DEFENSES.—In an action pursuant to this paragraph, the guarantor shall be entitled to invoke all rights and defenses that would have been available to—

(i) the owner or operator, if an action had been brought against the owner or operator by the claimant; and

(ii) the guarantor, if an action had been brought against the guarantor by the owner or operator.

(3) LIABILITY OF GUARANTOR.—

(A) LIMITATION OF AMOUNT.—The total amount of liability of a guarantor shall be limited to the aggregate amount that the guarantor has provided as evidence of financial responsibility to the owner or operator under this subsection.

(B) EFFECT ON OTHER LIABILITY.—Nothing in this subsection is intended to limit any other Federal or State statutory, contractual, or common law liability of a guarantor to an owner or operator, including the liability of the guarantor for bad faith in negotiating or in failing to negotiate the settlement of a claim.

(C) EFFECT ON LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—Nothing in this subsection is intended to diminish the liability of a person under section 107 or 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 or 9611), or other applicable law.

(4) AMOUNT OF COVERAGE.—

(A) IN GENERAL.—In issuing financial responsibility regulations under this section, the Administrator shall establish an amount of coverage for particular classes and categories of aboveground storage tanks that shall satisfy the regulations.

(B) PETROLEUM TANKS.—

(i) IN GENERAL.—The amount of coverage for an aboveground storage tank containing petroleum shall be an amount—

(I) greater than or equal to $1,000,000 and not to exceed $2,000,000 for each release; and

(II) not to exceed $2,000,000 for the aggregate of all releases occurring from the tank during a 1-year period.

(ii) REDUCTION.—The Administrator may set an amount lower than the amount required by clause (i) for aboveground storage tanks containing petroleum that—

(I) are located at facilities not engaged in petroleum production, refining, transportation, or marketing; and

(II) are not used to handle substantial quantities of petroleum.

(C) FACTORS.—In establishing a class or category of aboveground storage tanks for the purpose of this paragraph, the Administrator may consider—

(i) the size, type, location, storage, and handling capacity of aboveground storage tanks in the class or category and the volume stored by the tanks;

(ii) the likelihood of release and the potential extent of damage from a release from tanks in the class or category;

(iii) the economic impact of the amount of coverage required under this subsection on the owners and operators of aboveground storage tanks in the class or category, particularly on small business concerns (as defined in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), in relation to the impact of a potential release on any affected community and affected natural resources;

(iv) the availability to owners and operators of aboveground storage tanks of methods of financial responsibility that provide for financial responsibility in amounts greater than the applicable amounts established by this paragraph; and

(v) such other factors as the Administrator considers appropriate.

(D) SUSPENSION OF ENFORCEMENT.—

(i) IN GENERAL.—The Administrator may suspend enforcement of the financial responsibility requirements for a particular class or category of aboveground storage tanks or in a particular State, if—

(I) the Administrator makes a determination that methods of financial responsibility satisfying the requirements of this subsection are not generally available for aboveground storage tanks in the class or category; and

(II) the State has taken measures to form a risk retention group for the class of tanks, or to establish a fund pursuant to section 6(c)(1) to be submitted as evidence of financial responsibility.

(ii) LENGTH OF SUSPENSION.—A suspension of enforcement by the Administrator pursuant to this paragraph shall be for a period not to exceed 180 days after the date on which the Administrator suspends enforcement.

(iii) EXTENSION.—A determination to suspend enforcement may be made with respect to the same class or category or for the same State upon the termination of the period of suspension referred to in clause (ii), if—

(I) the State has made substantial progress in establishing a risk retention group; or

(II) the owners or operators in the class or category demonstrate, to the satisfaction of the Administrator, that the formation of such a group is not possible and that the State is unable or unwilling to establish a fund pursuant to clause (i)(II).

(5) COORDINATION WITH UPGRADING.—In promulgating the regulations under this subsection, the Administrator shall ensure that, in the case of an existing tank that is upgraded to meet new tank standards, pursuant to subsection (c)(7), the owner or operator shall not be required to demonstrate financial responsibility until the tank is upgraded.

(6) DEFINITION.—As used in this subsection, the term "guarantor" means a person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

(e) NEW TANK PERFORMANCE STANDARDS.—

(1) IN GENERAL.—Not later than 3 months before the applicable effective date specified in subsection (g), the Administrator shall issue performance standards for aboveground storage tanks brought into use on or after the effective date.

(2) CONTENTS.—The performance standards for new aboveground storage tanks and associated piping shall include design, construction, installation, maintenance, inspection, secondary containment, labeling, corrosion protection, integrity, and compatibility standards. The performance standards also shall include a requirement that any piping associated with new aboveground storage tanks shall be situated aboveground, except where infeasible because of road layouts or other similar obstacles.

(3) PLACE OF ASSEMBLY.—The Administrator shall consider the differences between shop-fabricated and field-erected tanks in issuing the standards.

(f) REBUILT TANK PERFORMANCE STANDARDS.—

(1) IN GENERAL.—Not later than 3 months before the applicable effective date specified in subsection (g), the Administrator shall issue performance and testing standards for rebuilt tanks reintroduced for use on or after the effective date.

(2) CONTENTS.—The standards described in paragraph (1) shall include design, construction, installation, maintenance, inspection, secondary containment, labeling, corrosion protection, integrity, and compatibility standards.

(g) EFFECTIVE DATES.—

(1) PETROLEUM TANKS.—For aboveground storage tanks containing regulated substances defined in section 3(14)(B), regulations issued pursuant to subsections (c) and (d), and standards issued pursuant to subsections (e) and (f), shall take effect not later than 30 months after the date of enactment of this Act.

(2) NONPETROLEUM TANKS.—For aboveground storage tanks containing regulated substances defined in section 3(14)(A)—

(A) standards issued pursuant to subsections (e) and (f) shall take effect not later than 3 years after the date of enactment of this Act; and

(B) regulations issued pursuant to subsections (c) and (d) shall take effect not later than 4 years after the date of enactment of this Act.

(h) INTERIM PROHIBITION.—During the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the day before the effective date of the standards issued by the Administrator under subsection (e), no person may install any aboveground storage tank (including a tank of single wall or double wall construction) for the purpose of storing regulated substances unless the tank—

(1) will prevent releases due to corrosion or structural failure for the operational life of the tank;

(2) is in compliance with applicable fire codes; and

(3) is made of a material, used in the construction or lining, that is compatible with the substance to be stored.

(i) ENVIRONMENTAL PROTECTION AGENCY RESPONSE PROGRAM.—

(1) APPLICABILITY.—This subsection shall apply to all regulated substances that are not subject to cleanup response requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and that are released from an aboveground tank, including, notwithstanding section 3(1)(B)(vii), any fire-protected tank under the jurisdiction of State or local fire regulatory authorities.

(2) UNDERTAKING CORRECTIVE ACTIONS.—

(A) BEFORE REGULATIONS.—

(i) IN GENERAL.—Before the effective date of regulations issued pursuant to subsection (c), the Administrator (or a State or political subdivision pursuant to paragraph (7)) may—

(I) require the owner or operator to undertake corrective action with respect to a release when the Administrator (or the State or political subdivision pursuant to paragraph (7)) determines that the corrective action by the owner or operator will be done properly and will follow an expeditious timetable; or

(II) undertake corrective action with respect to a release if the action is necessary, in the judgment of the Administrator (or the State or political subdivision pursuant to paragraph (7)), to protect human health and the environment.

(ii) EXTENT OF ACTION.—The corrective action undertaken or required under this paragraph shall be such as is necessary to protect human health and the environment.

(iii) PRIORITY.—Subject to the priority requirements of paragraph (3), the Administrator (or the State or political subdivision pursuant to paragraph (7)) shall give priority in undertaking the actions under clause (i)(II) to cases in which the Administrator (or the State or political subdivision pursuant to paragraph (7)) cannot identify an owner or operator who is—

(I) financially solvent (as determined by the Administrator); and

(II) capable of undertaking corrective action in a manner that is satisfactory to the Administrator (or the State or political subdivision pursuant to paragraph (7)).

(B) AFTER REGULATIONS.—After the effective date of regulations issued pursuant to subsection (c) all actions or orders of the Administrator (or a State or political subdivision pursuant to paragraph (7)) described in subparagraph (A) shall conform to the regulations. After the effective date of such regulations the Administrator (or the State or political subdivision pursuant to paragraph (7)) may undertake corrective action with respect to a release only if the action is necessary, in the judgment of the Administrator (or the State or political subdivision pursuant to paragraph (7)), to protect human health and the environment, and if—

(i) within 90 days after the release (or within such shorter period after the release as is necessary to protect human health and the environment), the Administrator (or the State or political subdivision pursuant to paragraph (7)) cannot identify an owner or operator who is financially solvent (as determined by the Administrator), subject to the corrective action regulations, and capable of undertaking corrective action in a manner that is satisfactory to the Administrator (or the State or political subdivision pursuant to paragraph (7));

(ii) prompt action is required by the Administrator (or the State or political subdivision pursuant to paragraph (7)) under this paragraph to protect human health and the environment; or

(iii) the owner or operator has failed or refused to comply with an order of the Administrator under this subsection or section 8, or with the order of a State under this subsection, that requires compliance with the corrective action regulations issued pursuant to this section.

(3) PRIORITY OF CORRECTIVE ACTIONS.—In undertaking corrective actions under this subsection, and in issuing orders requiring owners or operators to undertake corrective actions, the Administrator (or a State or political subdivision pursuant to paragraph (7)) shall give priority to releases that pose the greatest threat to human health and the environment.

(4) CORRECTIVE ACTION ORDERS.—

(A) ADMINISTRATOR.—The Administrator may issue an order to an owner or operator to carry out paragraph (2)(A)(i)(I) or to carry out a requirement of the regulations issued under subsection (c)(5).

(B) STATE OR POLITICAL SUBDIVISION.—A State or political subdivision acting pursuant to paragraph (7) may issue an order pursuant to paragraph (2)(A)(i)(I) only until such time as the Administrator approves the program of the State and the State is exercising primary enforcement responsibility pursuant to section 6.

(C) ISSUANCE AND ENFORCEMENT.—Each order issued under this paragraph shall be issued and enforced in the same manner and subject to the same requirements as orders issued under section 8.

(5) ALLOWABLE CORRECTIVE ACTIONS.—

(A) IN GENERAL.—The corrective actions with respect to a release from an aboveground storage tank that may be undertaken by the Administrator (or by a State or political subdivision pursuant to paragraph (7)) under paragraph (2) shall include—

(i) measures to contain the release;

(ii) measures to prevent additional releases;

(iii) water and air quality monitoring;

(iv) the temporary or permanent relocation of residents;

(v) the provision of alternative household water supplies or treatment of supplies;

(vi) the recovery of the regulated substance that has been released;

(vii) the installation of any necessary venting; and

(viii) the control of the movement of contamination plumes.

(B) EXPOSURE ASSESSMENT.—

(i) IN GENERAL.—In connection with the performance of any corrective action under paragraph (2), the Administrator may undertake an exposure assessment (as defined in paragraph (11)) or provide for such an assessment in a cooperative agreement with a State or political subdivision pursuant to paragraph (7).

(ii) COSTS.—The costs of the exposure assessment may be treated as costs associated with corrective action for the purpose of paragraph (6).

(iii) DELAY.—The assessment may not delay corrective action to abate immediate hazards or reduce exposure.

(6) RECOVERY OF COSTS.—

(A) IN GENERAL.—

(i) LIABILITY FOR A COST.—Whenever a cost has been incurred by the Administrator (or by a State or political subdivision pursuant to paragraph (7)) for undertaking any corrective action or enforcement action with respect to a release, the owner or operator shall be liable to the Administrator or the State or political subdivision for the cost.

(ii) STANDARD OF LIABILITY.—The standard of liability under this paragraph applicable to an owner or operator shall be equivalent to the standard of liability described in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(B) RECOVERY.—In determining the equities for seeking the recovery of costs under subparagraph (A), the Administrator (or a State or political subdivision pursuant to paragraph (7)) may consider—

(i) the amount of financial responsibility required to be maintained under subsections (c)(7) and (d)(4); and

(ii) the factors considered in establishing the amount of financial responsibility under subsection (d)(4).

(C) INDEMNIFICATION AGREEMENTS.—

(i) AGREEMENTS NOT PROHIBITED.—Nothing in this Act prohibits any agreement to ensure, hold harmless, or indemnify a party to such agreement for any liability under this Act.

(ii) LIABILITY NOT TRANSFERRED.—No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer liability imposed under this Act from an owner or operator or from any person who may be liable for a release under this Act to any other person.

(iii) RELATIONSHIP TO OTHER CAUSES OF ACTION.—Nothing in this Act, including clause (ii), bars a cause of action that an owner or operator or any other person subject to liability under this Act, or a guarantor, has or would have, by reason of subrogation or otherwise, against any person.

(7) STATE AND POLITICAL SUBDIVISION AUTHORITIES.—

(A) IN GENERAL.—A State, and any political subdivision of a State, may exercise the authorities described in paragraph (2), subject to the terms and conditions of paragraphs (3), (5), (9), and (11), and including the authorities described in paragraphs (4), (6), and (8), if—

(i) the Administrator determines that the State or political subdivision has the personnel necessary to carry out, and is capable of carrying out, effective corrective actions and enforcement activities; and

(ii) the Administrator enters into a cooperative agreement with the State or political subdivision that establishes the actions to be undertaken by the State or political subdivision.

(B) COST SHARE.—

(i) IN GENERAL.—After the effective date of regulations issued pursuant to subsection (c), and subject to clause (ii), the State or political subdivision shall pay 10 percent of the cost of each corrective action undertaken by the Administrator or by the State or political subdivision under a cooperative agreement described in subparagraph (A)(ii).

(ii) EXCEPTION FOR EMERGENCIES.—With respect to a corrective action, if the State or political subdivision of the State fails to pay the cost share amount specified in clause (i), the Administrator may take corrective action at a facility if the Administrator determines that immediate action is necessary to respond to an imminent and substantial endangerment to human health or the environment.

(8) EMERGENCY PROCUREMENT POWERS.—The Administrator may authorize such use of emergency procurement powers as the Ad-

ministrator considers necessary for purposes of carrying out this subsection.

(9) FACILITIES WITHOUT FINANCIAL RESPONSIBILITY.—

(A) AUTHORITIES OF ADMINISTRATOR.—At a facility with respect to which the owner or operator has failed to maintain evidence of financial responsibility in an amount at least equal to the amount established by subparagraph (A) or (B) of subsection (d)(4), the Administrator shall exercise the authorities provided in paragraph (2)(A)(i), paragraph (4), and section 8 to order corrective action to clean up any release at the facility.

(B) AUTHORITIES OF STATES AND POLITICAL SUBDIVISIONS.—A State or political subdivision acting pursuant to paragraph (7) shall exercise the authorities provided in paragraphs (2)(A)(i) and (4) to order corrective action to clean up any release.

(C) PROTECTION OF HEALTH.—Notwithstanding this subparagraphs (A) and (B), the Administrator—

(i) may take any corrective action authorized under paragraph (5) at a facility that is necessary to protect human health and the environment; and

(ii) shall seek full recovery of the costs of any corrective action conducted pursuant to paragraph (6)(A) and without consideration of the factors described in paragraph (6)(B).

(D) INSOLVENCY AND EMERGENCY.—Nothing in this paragraph is intended to prevent the Administrator (or a State or political subdivision pursuant to paragraph (7)) from taking corrective action at a facility if the Administrator (or State or political subdivision) determines that—

(i) no financially solvent owner or operator exists; or

(ii) immediate action is necessary to respond to an imminent and substantial endangerment of human health or the environment.

(10) PUBLIC PARTICIPATION.—Before undertaking a corrective action under this subsection or issuing an order requiring an owner or operator to undertake a corrective action, the Administrator (or a State pursuant to paragraph (7)) shall provide notice to the public and an opportunity for public comment on the proposed corrective action.

(11) DEFINITIONS.—As used in this subsection:

(A) OWNER.—The term "owner" does not include a person who, without participating in the management of an aboveground storage tank and otherwise not engaged in the production, refining, transportation, and marketing of a regulated substance, holds indicia of ownership primarily to protect the owner's security interest in the tank.

(B) EXPOSURE ASSESSMENT.—The term "exposure assessment" means an assessment to determine the extent of exposure of, or potential for exposure of, individuals to regulated substances from a release, based on such factors as—

(i) the nature and extent of contamination;

(ii) the existence of or potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination);

(iii) the size of the community within the likely pathways of exposure; and

(iv) the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for the contaminants.

(j) INSPECTIONS.—The Administrator (or the State in the case of a State exercising primary enforcement responsibility) shall inspect aboveground storage tanks and related facilities for the purposes of administering and enforcing the provisions of this Act. Such inspections shall be conducted in accordance with the following schedule commencing with the first calendar year after the date of the enactment of this Act:

Tank facility capacity	Inspection frequency
Over 1,000,000 gallons	Annually.
42,0001 to 1,000,000 gallons	Every 2 years.
0 to 42,000 gallons	At discretion of Administrator or State or local agency.

SEC. 6. STATE PROGRAMS.

(a) ELEMENTS.—

(1) IN GENERAL.—Beginning on the date that is 30 months after the date of enactment of this Act, a State may submit an aboveground storage tank release detection, prevention, and correction program for review and approval by the Administrator.

(2) COVERAGE.—The program may cover aboveground storage tanks used to store the regulated substances defined in subparagraph (A) or (B) of section 3(14), or both.

(3) COMPLIANCE WITH REQUIREMENTS.—

(A) IN GENERAL.—The Administrator may approve a program under this section only if the State demonstrates that the program—

(i) includes the requirements and standards listed in subparagraph (B) at a level no less stringent than the corresponding requirements and standards issued by the Administrator pursuant to section 5(a); and

(ii) provides for adequate enforcement of compliance with the requirements and standards.

(B) REQUIREMENTS.—The requirements and standards referred to in subparagraph (A) are—

(i) the requirements listed in section 5(c);

(ii) the standards required under subsections (e) and (f) of section 5; and

(iii) requirements—

(I) for notifying the appropriate department or agency designated according to section 4(b) of the existence of an operational or nonoperational storage tank; and

(II) for providing the information required on the form issued pursuant to section 4(c).

(b) INTERIM STANDARDS.—

(1) NO STATE LEGISLATIVE ACTION REQUIRED.—If State regulatory action, but no State legislative action, is required in order to adopt a State program that meets the requirements of subsection (a), the Administrator may approve the State program without regard to whether the implementation by the State of the requirements under paragraphs (1) through (4), and (6) of section 5(c) would be less stringent than the implementation of corresponding standards issued by the Administrator pursuant to section 5(a) for the 1-year period beginning on the date of issuance of the regulations under section 5(a).

(2) STATE LEGISLATIVE ACTION REQUIRED.—If State legislative action is required to adopt a State program that meets the requirements of subsection (a), the Administrator may approve a State program without regard to whether the implementation by the State of the requirements listed in paragraphs (1) through (4), and (6) of section 5(c) would be less stringent than the corresponding standards issued by the Administrator pursuant to section 5(a) for—

(A) the 2-year period beginning on the date of issuance of regulations under section 5(a); and

(B) an additional 1-year period beginning on the date of the legislative action by the State if regulations are required to be issued by the State pursuant to the legislative action.

(c) FINANCIAL RESPONSIBILITY.—Corrective action and compensation programs administered by State or local agencies or departments may be submitted for approval under subsection (a)(3) as evidence of financial responsibility. A State program shall comply with paragraphs (1) through (4) of section 5(d).

(d) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States, local governments, and owners and operators, to assist in compliance with this section.

(e) REVIEW AND APPROVAL OF PROGRAM.—

(1) REVIEW.—Not later than 180 days after the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, determine whether the State program complies with this section and provides for adequate enforcement of compliance with the requirements and standards adopted pursuant to this section.

(2) APPROVAL.—If the Administrator determines that a State program complies with this section and provides for adequate enforcement of compliance with the requirements and standards adopted pursuant to this section—

(A) the Administrator shall approve the State program in lieu of the Federal program; and

(B) the State shall have primary enforcement responsibility with respect to the requirements of the program.

(f) WITHDRAWAL OF APPROVAL.—If, after holding a public hearing, the Administrator determines that a State is not administering and enforcing a program authorized under this Act in accordance with this section, the Administrator shall so notify the State. If appropriate action is not taken within a reasonable period of time, not to exceed 120 days after the notification, the Administrator shall withdraw approval of the program and reestablish the Federal program pursuant to this Act.

(g) STATE AUTHORITY.—Nothing in this Act shall preclude or deny a right of a State or political subdivision of a State—

(1) to adopt or enforce a regulation, requirement, or standard of performance respecting aboveground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this Act; or

(2) to impose any additional liability with respect to a release within the State or political subdivision.

SEC. 7. ACCESS TO INFORMATION.

(a) FURNISHING INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), and for the purpose of developing or assisting in the development of a regulation, conducting a study, taking a corrective action, or enforcing this Act—

(A) an owner or operator of an aboveground storage tank (or a tank subject to study under section 10) shall, upon request of an officer, employee, or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of a duly designated officer, employee, or representative of a State acting pursuant to section 5(i)(7) with a program approved under section 6—

(i) furnish information relating to the tank, associated equipment, and contents;

(ii) conduct monitoring or testing; and

(iii) permit the officer, employee, or representative at all reasonable times to—

(I) have access to, and to copy, all records relating to the tanks; and

(II) have access for corrective action; and

(B) an officer, employee, or representative may referred to in subparagraph (A)—

(i) enter at reasonable times an establishment or other place where an aboveground storage tank is located;

(ii) inspect and obtain samples from a person of a regulated substance contained in the tank;

(iii) conduct monitoring or testing of a tank, associated equipment, contents, or surrounding soils, air, surface water or ground water; and

(iv) take corrective action.

(2) PROMPT INSPECTIONS.—Each inspection required under paragraph (1)(B) shall be commenced and completed within a reasonable amount of time.

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—

(A) AVAILABILITY TO PUBLIC.—Subject to subparagraph (B), any record, report, or information obtained from a person under this section shall be available to the public.

(B) EXCEPTION FOR CONFIDENTIAL INFORMATION.—

(i) IN GENERAL.—Subject to clause (ii), and upon a showing satisfactory to the Administrator or the State by a person that a record, report, or piece of information, or a particular portion of the record, report or piece of information, to which the Administrator or the State, or an officer, employee, or representative of the Administrator or State, has access under this section, would, if made public, contain information entitled to protection under section 1905 of title 18, United States Code, the record, report, or information shall be considered confidential in accordance with section 1905 of such title.

(ii) EXCEPTION.—The record, report, document, or information referred to in clause (i) may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in a proceeding under this Act.

(2) DESIGNATION OF PROTECTED INFORMATION.—

(A) IN GENERAL.—In submitting data under this Act, a person required to provide the data may—

(i) designate the data that the person believes is entitled to protection under this subsection; and

(ii) submit the designated data separately from other data submitted under this Act.

(B) METHOD OF DESIGNATION.—A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

(3) PENALTY FOR DISCLOSURE.—A person not subject to section 1905 of title 18, United States Code, who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed 1 year, or both.

(4) DISCLOSURE TO CONGRESSIONAL COMMITTEES.—Notwithstanding any limitation under this section or any other provision of law, any record, report, or other information obtained by the Administrator (or a representative of the Administrator) under this Act shall be made available to a duly authorized committee of Congress, upon written request.

SEC. 8. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in paragraph (2), whenever, on the basis of any information, the Administrator determines that a person is in violation of a requirement of this Act, the Administrator may—

(i) issue an order requiring compliance within a reasonable specified time period; or

(ii) commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(B) ORDERS AFTER A RELEASE.—After a release, the Administrator may issue an order prohibiting the use or operation of all or any portion of a facility in which an aboveground storage tank is located until the Administrator (or the State if a State program has been approved pursuant to section 6) determines that—

(i) the prohibition is not necessary to protect human health and the environment; or

(ii) adequate corrective action has been taken.

(2) NOTICE TO STATE.—If a violation of a requirement of this Act occurs in a State with a program approved pursuant to section 6, the Administrator shall give notice to the State before issuing an order or commencing a civil action under this section.

(3) PENALTY.—If a violator fails to comply with an order under this subsection within the time specified in the order, the violator shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

(b) PROCEDURE.—

(1) HEARING.—An order issued under this section shall become final unless, not later than 30 days after the order is served, the person named in the order requests a public hearing. Upon receipt of the request, the Administrator shall promptly conduct a public hearing.

(2) SUBPOENAS AND DISCOVERY.—In connection with a proceeding under this section the Administrator may—

(A) issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents; and

(B) issue rules for discovery procedures.

(c) CONTENTS OF ORDER.—An order issued under this section shall—

(1) state with reasonable specificity the nature of the violation;

(2) specify a reasonable time for compliance; and

(3) assess a penalty, if any, that the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

(d) CIVIL PENALTIES.—

(1) FAILURE TO NOTIFY OR FALSE INFORMATION.—An owner who knowingly fails to notify or submits false information pursuant to section 4(a) shall be subject to a civil penalty not to exceed $10,000 for each tank with respect to which notification is not given or false information is submitted.

(2) FAILURE TO COMPLY.—An owner or operator shall be subject to a civil penalty in an amount not to exceed $10,000 for each tank for each day of violation if the owner or operator fails to comply with—

(A) a requirement or standard issued by the Administrator under section 5;

(B) a requirement or standard of a State program approved pursuant to section 6; or

(C) section 5(h).

SEC. 9. FEDERAL FACILITIES.

(a) APPLICABILITY OF STORAGE TANK REQUIREMENTS.—

(1) IN GENERAL.—

(A) APPLICABILITY.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over an aboveground storage tank shall be subject to and comply with all Federal, State, interstate, and local requirements, applicable to the tank, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to the requirements (including payment of reasonable service charges).

(B) REQUIREMENTS.—The Federal, State, interstate, and local substantive and procedural requirements referred to in this paragraph include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

(C) WAIVER.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in subparagraph (B), or reasonable service charge). The reasonable service charges referred to in this paragraph include, but are not limited to, fees or charges assessed in connection with the review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local aboveground storage tank regulatory program.

(2) INJUNCTIVE RELIEF.—Neither the United States, nor an agent, employee, or officer of the United States, shall be immune or exempt from a process or sanction of any Federal or State court with respect to the enforcement of any injunctive relief.

(3) INDIVIDUAL LIABILITY.—

(A) IN GENERAL.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local aboveground storage tank law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

(B) CRIMINAL PENALTIES.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State aboveground storage tank law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

(2) OPPORTUNITY TO CONFER.—No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—

Unless a State law in effect on the date of the enactment of this Act or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.

(d) PRESIDENTIAL EXEMPTION.—

(1) IN GENERAL.—The President may exempt an aboveground storage tank of a department, agency, or instrumentality in the executive branch from compliance with a requirement referred to in subsection (a) if the President determines the exemption to be in the paramount interest of the United States.

(2) LACK OF APPROPRIATION.—No exemption shall be granted because of lack of appropriation unless the President specifically requests the appropriation in the budget of the United States Government as submitted by the President and Congress fails to make available the requested appropriation.

(3) LENGTH OF EXEMPTION.—An exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon a redetermination by the President.

(4) REPORT TO CONGRESS.—The President shall report each January to Congress all exemptions from the requirements of this section granted during the preceding calendar year, and the reason for granting each exemption.

SEC. 10. STUDIES OF ABOVEGROUND STORAGE TANKS.

(a) REGULATED SUBSTANCES TANKS.—

(1) IN GENERAL.—

(A) PETROLEUM TANKS.—Not later than 1 year after the date of enactment of this Act, and in accordance with paragraph (2), the Administrator shall complete a study of aboveground storage tanks used for the storage of petroleum.

(B) OTHER TANKS.—Not later than 3 years after the date of enactment of this Act, and in accordance with paragraph (2), the Administrator shall complete a study of aboveground storage tanks used for the storage of regulated substances other than petroleum.

(2) ELEMENTS OF STUDIES.—Each study under paragraph (1) shall include an assessment of—

(A) the ages, types (including methods of manufacture, coatings, protection systems, compatibility of the construction materials, and installation methods), and locations (including climate of the locations) of the tanks;

(B) the soil conditions, water tables, and hydrogeology of tank locations;

(C) the relationship between the factors listed in subparagraphs (A) and (B) and the likelihood of releases;

(D) the design and inspection of the tanks;

(E) the effectiveness and costs of inventory systems, tank testing, and release detection systems;

(F) the percentage of facilities undergoing corrective action and the quantity of recovered regulated substances; and

(G) such other factors as the Administrator considers appropriate.

(b) FARM AND HEATING OIL TANKS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall conduct a study of the tanks described in clauses (i) and (ii) of section 3(1)(B).

(2) ELEMENTS OF STUDY.—The study shall include—

(A) estimates of the number and locations of the tanks; and

(B) an analysis of the extent to which there may be releases or threatened releases from the tanks.

(c) REPORTS.—Upon completion of the studies required under subsections (a) and (b), the Administrator shall submit reports to the President and to Congress containing—

(1) the results of the studies; and

(2) recommendations regarding whether the tanks studied should be subject to the requirements of this Act.

(d) GENERAL ACCOUNTING OFFICE STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General should conduct a study to assess whether transportation-related tanks and their associated piping are adequately regulated by the Department of Transportation to protect human health and the environment, and whether such tanks should be regulated by the Environmental Protection Agency for the purposes referred to in this sentence.

(2) REPORT.—Upon completion of the study required under paragraph (1), the Comptroller General shall submit to Congress a report on the results of the study, along with recommendations regarding which department or agency should regulate such tanks.

SEC. 11. CONSOLIDATION WITH UNDERGROUND TANK PROGRAM.

In order to provide more effective coordination in the regulation of both underground and aboveground storage tanks by the Administrator, the program established under this Act shall be administered by a Director of an office of underground and aboveground storage tanks and shall be consolidated with the administration of the underground tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

For fiscal years 1994 through 1998, there are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 589. A bill to establish the Quinebaug and Shetucket Rivers Valley national heritage corridor, and for other purposes; to the Committee on Energy and Natural Resources.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR ACT

• Mr. DODD. Mr. President, I rise today to reintroduce legislation to establish the Quinebaug Shetucket Rivers Valley national heritage corridor. I am pleased to be joined once again in this effort by my colleague from Connecticut, Mr. LEIBERMAN. Congressman SAM GEJDENSON, from Connecticut's Second District, will be introducing companion legislation later today, so that we can move forward in both Houses to protect and preserve this beautiful and historic region of Connecticut.

I hope we can act quickly on this important legislation, which passed the House late last year but did not make it out of the Senate in the closing days of the 102d Congress.

This legislation acknowledges a side of Connecticut many overlook—its history and natural beauty.

The Quinebaug Shetucket Rivers Valley extends the length of southeastern Connecticut. It was first settled by Indians during precolonial times and then by European settlers during the colonial era. While few battles were fought in the valley, numerous Revolutionary and Civil War leaders and soldiers called the valley home. But what most affected the region was the industrial revolution; hundreds of mills were built along the banks of the Quinebaug and Shetucket Rivers, as this region became one of the leaders in the textile and other industries. Today, the mills stand quiet, most abandoned, and the valley is now known for its beautiful farms and small towns.

Looking at any one aspect of the valley—its beauty, its historic mills, or its archeological sites—one might conclude that other areas are more nationally significant. But when considering this region as a whole, the Quinebaug Shetucket Rivers Valley is unsurpassed in its potential and offers us a unique opportunity to preserve these important natural and cultural resources.

This region offers beautiful landscapes for hiking trails, rivers for canoeing and fishing, historic mills for exploration and learning, the birthplace of Revolutionary War hero Nathan Hale, and the Prudence Crandall School, established as the first teacher training school for African-American women in 1833. The valley is also the site of numerous native American and precolonial archeological sites and was the site of the famous battle between the Mohegan and the Naragansett Indians, commemorated in James Fenimore Cooper's book, "The Last of the Mohicans."

While not lacking in potential, this region is lacking in public spaces and parklands. The Northeast averages nearly 300 acres of public recreation land for each 1,000 residents. Connecticut has less than 100 acres per 1,000 residents. With one national park, Weir Farm—which totals 2 acres—my State ranks last in the Nation in Federal land set aside for national parks, forests, recreation, or wildlife areas.

And, clearly, there is demand for more open space and parklands. Last Congress, Congressman GEJDENSON held field hearings in Connecticut that focused on local concerns about preserving open spaces and unique resources. But beyond local needs, the Quinebaug Shetucket Rivers Valley falls within easy driving distance of some of the Northeast's largest cities—New York, Boston, Hartford, Bridgeport, Worcester, and Providence.

The Quinebaug Shetucket Rivers Valley has the potential to meet these needs. However, its natural and cultural resources lack a cohesive focus—the focus a national heritage corridor designation would give the valley.

The national heritage corridor designation, while unfamiliar to many, is not a new concept for the Park Service. There are currently national heritage

corridors in Pennsylvania, along the Lehigh and Delaware Canal, in Michigan and Illinois, along their historic canal, and in the Blackstone River Valley. The corridor concept has been very successful in these areas, providing communities with the flexibility to tailor their needs to those of the corridor.

A heritage corridor provides communities and States with a management framework, which they work within to establish the corridor. It does not rely on the wholesale purchase of privately owned or State-held land. Instead, it establishes a Federal-State-local and private partnership to work cooperatively to protect the area's important resources. These groups come together to develop land management plans that preserve the unique resources of the region, enhance recreational potential, and promote appropriate development. This innovative and cost-effective program provides us with a new approach to preserving our important natural and cultural resources.

It is a concept of great appeal in the Northeast. My State and others in the region are densely populated. It would be difficult, perhaps impossible, to establish a traditional national park within the boundaries of my State. However, there is widespread support for the idea of the Quinebaug Shetucket Rivers Valley national heritage corridor.

Many in the community have joined together to form an advisory committee and have worked for 3 years exploring this idea. They have held corridor walks, talked to local, State, and Federal officials, and met with various members of their communities to request their input. Normally, one would expect that the enthusiasm for such a proposal would die down and perhaps there would be some opposition, but thus far the corridor idea has only become more popular. Within its flexible framework and with the assistance of the Department of the Interior, the towns and communities are confident that they could develop a plan to preserve and enhance the important natural and cultural resources of the Quinebaug Shetucket Rivers Valley and frame a plan for future development of their region.

Mr. President, a unique cross-section of the historical and cultural development of our Nation exists along the Quinebaug and Shetucket Rivers in Connecticut. This is not a history I am willing to see overrun by development or deteriorate through lack of care. This legislation will ensure that it is protected, that access to the rivers are preserved, and that our children and grandchildren will enjoy this special part of our Nation. I urge my colleagues to join me in support of this important legislation.•

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 590. A bill to clarify tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Finance.

DISABILITY BENEFITS TAXATION ACT

• Mr. DODD. Mr. President, I rise today to introduce an important piece of legislation for more than 1,000 retired police officers, firefighters, and their families in my home State of Connecticut. I am pleased to be joined in this effort by Senator LIEBERMAN.

This bill clarifies the tax treatment of heart and hypertension benefits awarded to Connecticut's police officers and firefighters prior to 1992. The clarification is necessary because of an error made in the original version of Connecticut's heart and hypertension law. Under that law, Connecticut intended to treat heart and hypertension benefits as workmen's compensation for tax purposes. Unfortunately, because of the language used in the State statute, the heart and hypertension benefits became taxable under a ruling by the Internal Revenue Service [IRS] in 1991.

Since the IRS ruling, Connecticut has amended its law. But that change does not help those police officers, firefighters, and their families who received benefits prior to the amendment. These law-abiding citizens accepted the benefits with the understanding that they were not taxable. Now, as a result of the problem with the State law, and through no fault of their own, they are being charged with back taxes, interest, and penalties by the IRS.

Mr. President, this is no way to treat our dedicated public servants and their families. As we all know, our firefighters and police officers risk their lives every day protecting our homes and neighborhoods. The dangers and hazards they face make their jobs particularly stressful. They need the security provided by heart and hypertension benefits. They should not have to contend with back taxes and penalties that are being assessed due to an error in State law.

Under this legislation, which would exempt heart and hypertension benefits from taxable income for the years prior to the IRS ruling—1989, 1990, and 1991—we can treat these public servants and their families more fairly. This bill is narrowly drafted to accomplish that limited purpose and would not affect the tax treatment of heart and hypertension benefits awarded after January 1, 1992.

Mr. President, I introduced similar legislation last year. Working with Representatives BARBARA KENNELLY and ROSA DELAURO, who introduced the companion measure in the House of Representatives, we succeeded in making this legislation a part of the Revenue Act of 1992. Although the Revenue Act was passed by Congress last year, it was vetoed by President Bush 1 day after he lost the election. I am hopeful that we can pass this legislation quickly this year so that we can remove the threat of back taxes and penalties that hangs over Connecticut's police officers, firefighters, and their families.•

By Mr. D'AMATO (for himself, Mr. SHELBY, Mr. DOLE, Mr. MACK, Mr. THURMOND, and Mr. DOMENICI):

S. 591. A bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth; to the Committee on Banking, Housing, and Urban Affairs.

PRESIDENTIAL CREDIT AVAILABILITY AND ECONOMIC RECOVERY ACT

• Mr. D'AMATO. Mr. President, last Wednesday, the President announced the blueprint of a plan to ease the credit crunch. This regulatory package is an excellent first step in freeing up our banks and thrifts from unnecessary and costly regulations that deter them from making loans to small- and medium-size businesses.

The President should be congratulated for his excellent leadership in taking this initiative—but his authority to end the credit crunch is limited. A good deal of the regulatory burden stems from statutory provisions that cannot be changed by the administration. Unless Congress grants the administration more authority, the President cannot make all of the necessary regulatory changes to put our economic system to work.

Today, I, along with Senators SHELBY, DOLE, MACK, and THURMOND will introduce S. 591, the Presidential Credit Availability and Economic Recovery Act. This legislation will give the President the authority he needs to finish the job he started yesterday—to make the necessary changes in our banking system that must be made to relieve the credit crunch, provide for noninflationary economic growth, and increase employment.

The bill provides the President with the authority to suspend any law, regulation or guideline affecting insured depository institutions that the President determines meets one of the following tests: First, the provision is obsolete in that it has already accomplished its intended goal and is no longer needed; second, an available alternative exists to accomplish the purpose of the provision, and the alternative imposes less cost on our financial system or the economy; third, the cost of compliance with the provision outweighs the benefits sought to be accomplished by the law or regulation; or, fourth, the provision's impact on the availability of credit outweighs the benefits sought to be accomplished.

However, under the bill, the President cannot suspend any laws or regulation that: First, is necessary for the safe and sound operations of financial

institutions; second, prohibit discrimination on the basis of race, sex, marital status, national origin, or age; third, relates to monetary policy; or fourth, deals with enforcement actions directed at particular parties.

This legislation will give the President ample authority to suspend laws and regulations that are exacerbating the credit crunch and draining our economy, and which he determines are not contributing to the public welfare. I hope that Congress will quickly act on this measure so that we can quickly put our banking system back to work making credit available to the small- and mid-sized businesses that are vital for economic recovery.•

By Mr. BOREN:

S. 592. A bill to amend the Wild and Scenic Rivers Act to protect State-designated rivers prior to their approval or disapproval by the Secretary of the Interior for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

STATE-DESIGNATED WILD AND SCENIC RIVERS PROTECTION ACT

• Mr. BOREN. Mr. President, I rise today to introduce legislation that would give greater protection to the Nation's outstanding river resources under the National Wild and Scenic Rivers Act.

My legislation would grant the same temporary protective status to State-proposed wild and scenic rivers as that which is currently given to congressionally proposed rivers. It simply states that once a State Governor has requested that the Secretary of the Interior include a State-recognized river or river segment in the National Wild and Scenic Rivers System under section 2(a)(ii), the river would be granted up to 3 years of protection while the State completes and implements a river management plan. My legislation also encompasses rivers which have already been proposed for inclusion in the system by the Governor of a State, such as the Illinois River in Oklahoma.

Just recently, the people of my State were rendered powerless when a chicken farmer dumped thousands of gallons of poultry waste into a small tributary of the Illinois River. They were forced to watch helplessly as over 21,000 fish were killed in their natural habitat. This most recent incident highlights the urgent need for this type of protection for State-designated wild and scenic rivers.

My home State has gone to great lengths to protect the natural beauty and inherent values of the Illinois River from pollution and degradation. We are currently trying to bring together all the affected interests involved in order to develop the best plan for the river possible. We are committed to preserving the long-term health of the Illinois River and other water resources throughout the Nation by ensuring the protection of State-designated wild and scenic rivers.

The National Wild and Scenic Rivers System currently provides two methods for adding a river to the national system. The first is by an act of Congress under section 1 of the bill. The second is through authority granted to the Secretary of the Interior, known as section 2(a)(ii). Inclusion in the national system is important because the elevated status of the river within the Federal system serves to protect the river from proposed Federal projects, permits, or licenses.

Under section 1 of the act, management of a proposed river is given to the Federal Government. A State whose Governor petitions the Secretary of the Interior for inclusion under section 2(a)(ii), however, is allowed to design and implement their own management plan. But while congressionally recognized rivers are given 3 years of temporary protection, section 2(a)(ii) contains no such provision. In other words, States which choose to manage their river resources themselves must forgo protection while they develop responsible management plans. This is clearly contrary to the objectives of the act which seek to preserve rivers for the use and enjoyment of present and future generations.

Mr. President, we owe it to ourselves and to future generations of Americans to help preserve our outstanding natural water resources. The National Wild and Scenic Rivers System has the potential to encompass a vast network of protected rivers managed by a wide array of potential Federal-State-Local-Private cooperative agreements. States and authorities who know the area best should have the ability to write their own management plans under the protective umbrella of the national system. My legislation would assure States that any initiatives they have undertaken will not be undermined by the Federal Government.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD following my remarks.

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

S. 592

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 "State-Designated Wild and Scenic Rivers Protection Act".

SEC. 2. PROTECTION OF STATE-DESIGNATED RIVERS.

(a) IN GENERAL.—Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by inserting after the second sentence the following new sentence: "Beginning on the date of receipt of an application by the Secretary under clause (ii) and until the earlier of the date of the approval or disapproval by the Secretary of the application or the date that is 3 years after the date of receipt of the application, the river that is the subject of the application shall be protected as if the river were included in the system.".

(b) TRANSITION PROVISION.—A river for which an application under section 2(a)(ii) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)(ii)) is pending with the Secretary of the Interior on the date of enactment of this Act shall be protected as described in the third sentence of section 2(a) of such Act (as added by subsection (a)), except that the protection shall begin on the date of receipt of the application and continue until the earlier of the date of the approval or disapproval by the Secretary of the Interior of the application or the date that is 3 years after the date of enactment of this Act.•

By Mr. ROCKEFELLER (for himself, Mr. BOND, Mr. RIEGLE, Mr. BRADLEY, Mr. DECONCINI, Mr. DASCHLE, Mr. JEFFORDS, Mr. SIMON, Mr. KOHL, Mrs. FEINSTEIN, Mr. MITCHELL, Mr. KERRY, Mr. CAMPBELL, and Mr. CONRAD):

S. 596. A bill to amend title IV of the Social Security Act to provide improved child welfare services, and for other purposes; to the Committee on Finance.

FAMILY PRESERVATION AND CHILD PROTECTION REFORM ACT

• Mr. ROCKEFELLER. Mr. President, I rise today to introduce an important and comprehensive bipartisan legislation—the Family Preservation and Child Protection Reform Act. This bill is designed to address our Nation's serious child abuse crisis. I am proud to be joined by Senator KIT BOND, and other distinguished cosponsors.

Reform of our child welfare system to meet the needs of vulnerable children and troubled families must be a priority. Last week at a conference of child advocates, President Clinton announced his commitment to develop a child welfare initiative. This is tremendous news, and I am eager to work with our President.

Significant progress has been made already on this issue. Thanks to the leadership of Senator Bentsen and Representative Downey, this proposal was passed last year as part of H.R. 11, the Revenue Act of 1992. Unfortunately, the entire bill was ultimately vetoed on November 4, 1992 after Congress had adjourned.

This year we have an unprecedented opportunity to build on this work and enact needed reform. The bill introduced today is a strong blueprint for necessary changes in our child welfare services. And I look forward to working with the President and Secretary Shalala to enact needed reform this year.

Our package is called CPR because it is urgent. Child protection reform is crucial. Child abuse and neglect constitute a national emergency of dangerous and costly proportions. Growing poverty, declining family income and

unemployment together with social isolation, homeless, substance abuse, and its attendant violence, are ravaging communities, shattering families, and victimizing our children. In 1991, there were 2.7 million reports of child abuse or neglect. These grim statistics mean every 12 seconds there is a report of child abuse or neglect. And every day, nearly four children die from abuse or neglect—most before reaching their first birthday. Such statistics sound an alarm that demands serious action and intervention.

As chairman of the National Commission on Children, I learned firsthand of the plight of these children and their families. In West Virginia, we visited families in their rural homes and heard of their frustrations that have overwhelmed far too many families struggling to make ends meet. In Los Angeles, we spent a day in juvenile court, watching judges trying to cope with difficult cases and decisions with only a few minutes time. We visited with dedicated and compassionate social workers, court personnel, and judges who have been overcome by the skyrocketing numbers of seriously troubled children and their families.

We visited hospital neonatal units, and I have personally held 2- and 3-pound babies who are often the helpless victims of their mother's addiction to drugs. We learned of foster parents striving to care for abandoned and neglected children as their own.

Based on such experiences and further research, the Commission unanimously recommended detailed actions for improving the well-being of these vulnerable children and their families throughout the country in its report, "Beyond Rhetoric," issued in June 1991.

The Family Preservation and Child Protection Reform Act follows the Commission's guidelines. It represents a critical effort to move the Congress, the President, and our Nation beyond rhetoric, and would dedicate $2.2 billion over the next 5 years to positive and cost-effective investment in the lives and future of some of the most vulnerable children and troubled families in our Nation.

The legislation calls for fundamental change with new investments in prevention and family preservation. It seeks to strengthen foster care programs. Both are crucial to respond to the needs of vulnerable children.

The primary focus of our initiative is the innovative family preservation services. Such services have been found to be particularly effective in strengthening families, helping them overcome serious problems and crises, properly care for their children, and remain together or reunify after an initial separation. The Family Preservation and Child Protection Reform Act gives States much needed resources and broad flexibility to plan, develop, expand, or operate intensive, home-based prevention and intervention services designed to help children at risk of foster care placement remain with their families and children in foster care to return to their families, as well as the range of followup and family support services designed to strengthen the ability of parents to care for their children.

The need for such services grew dramatically throughout the 1980's as child abuse and neglect reports escalated rapidly. Yet the Federal funds for the title IV–B Child Welfare Services Program remained grossly inadequate—real Federal spending for title IV–B per child reported abused or neglected dropped precipitously between 1981 and 1991.

To reverse this trend, our legislation would allocate critical new funding to States on a matching basis under a new capped entitlement component of the Child Welfare Services Program to promote essential and cost-effective family support services.

Another key component to respond to today's crisis is to address the substance abuse epidemic devastating children and families in urban, suburban, and rural areas alike. The parental abuse of crack cocaine, alcohol, and other dangerous substances has become a major factor in the abuse and neglect of children, the placement of infants and children in foster care, and the general overload of our Nation's already floundering child welfare systems.

A recent Boston study indicated parental alcohol or drug abuse was a factor in 89 percent of child abuse and neglect reports involving children under 1 year of age. The number of children in foster care has increased by over 50 percent in the last 5 years, and a study of caseload growth in New York and Illinois concluded that "the available evidence suggests that substance abuse by pregnant women contributed significantly to the demand for foster care." The nearly 15 percent of infants estimated to have been born prenatally exposed to illegal drugs are also entering the foster care system in record numbers.

Comprehensive substance abuse prevention and treatment programs can help babies be born healthy, parents become substance-free, and keep families together, but the lack of such treatment for pregnant women and mothers is truly appalling. The National Institute of Drug Abuse reported that in fiscal year 1990, women accounted for less than 25 percent of all alcohol treatment admissions, and 36 percent of drug treatment admissions. Thus the second critical focus of the Family Preservation and Child Protection Reform Act is to provide funds for comprehensive substance abuse programs and nonmedical support services—child care, transportation, nutrition, followup services—designed to meet the needs of pregnant women and mothers. Such programs will be cost-effective investments that should reap benefits far in excess of its costs.

Nearly 430,000 abused, neglected, abandoned, or seriously troubled children were in foster care in 1991, and approximately 75,000 of them are waiting to be adopted. Just as the numbers of children in foster care has increased dramatically in recent years, infants and children are entering out-of-home care with more serious and complex problems than ever before. Many of these children have significant physical, mental health, and developmental problems associated with the abuse, neglect, and separation traumas they have experienced. Yet once again, Federal support and assistance has been limited. Only about half the children in foster care are eligible for Federal aid, many adolescents leave foster care only to join the ranks of the homeless, and far too many children wait years for a loving adoptive family. Further, foster and adoptive parents are not adequately supported, trained, or compensated.

The Family Preservation and Child Protection Reform Act would make numerous improvements in the Federal Foster Care and Adoption Assistance Program, title IV–E of the Social Security Act—to help assure stable and compassionate care for children who have been placed in out-of-home care. It would, for example, assure more children that adoption assistance that provides them a better chance to gain a permanent and nurturing home; provide foster care assistance to children whose original adoption was disrupted; and lend additional help to youth struggling to make the transition from foster care to independent living. A critical part of the legislation provides funds to support respite care for foster parents of children with special needs and problems, and takes steps to improve the training of foster and adoptive parents.

Child welfare systems across our country that are responsible for the care and protection of abused, neglected, and vulnerable children have been simply overwhelmed in recent years, and in too many States they remain unable to fulfill their basic obligations. This legislation would take numerous steps to shore up struggling child welfare agencies. It would greatly improve research, evaluations, and data collection efforts, as well as the overall coordination and delivery of child welfare services. It would support demonstation efforts designed to test promising innovative and cost-effective services for vulnerable children and troubled families. It would improve the training of child welfare staff as well as foster and adoptive parents. In all these areas, the legislation promotes flexibility at the State and community

level while assuring overall accountability.

Enactment of child welfare reform would signal that we are serious about our commitment to vulnerable children and troubled families. It is time to move beyond rhetoric toward action. This legislation would be a major step toward enacting key recommendations of the Children's Commission for vulnerable children and families. I am deeply committed to following through and pushing to enact the Children Commission bold agenda into law.

I urge my colleagues to join us in an effort that is not only the right thing to do for these children and their families, but an investment in the future of our country.

Working together with President Clinton and other Members, I am confident that we can forge a bipartisan approach to child welfare reform based on these fundamental goals.

Mr. President, I ask unanimous consent that the full text of the bill and the legislative summary be printed in the RECORD immediately following my remarks.

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

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Preservation and Child Protection Reform Act".

(b) REFERENCE.—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 Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.
Sec. 3. Child welfare services designed to strengthen and preserve families, and substance abuse prevention and treatment.
Sec. 4. Grant program for State court systems to assess and improve procedures in child welfare cases.
Sec. 5. State directory of services.
Sec. 6. Required protections for foster children.
Sec. 7. States required to report on measures taken to comply with the Indian Child Welfare Act.
Sec. 8. Reports on child welfare services and expenditures.
Sec. 9. Involvement of private parties in the development of State plans.
Sec. 10. Comprehensive service projects.
Sec. 11. Dissolved adoptions.
Sec. 12. Extension of definition of children with special needs.
Sec. 13. Study of reasonable efforts requirement by advisory committee.
Sec. 14. Adoption expense deduction.
Sec. 15. Periodic reevaluation of foster care maintenance payments.
Sec. 16. Case review system requirements.
Sec. 17. Health care plans for foster children.
Sec. 18. Placement accountability.
Sec. 19. Independent living.
Sec. 20. Elimination of foster care ceilings and of authority to transfer unused foster care funds to child welfare services programs.
Sec. 21. Regulations for training of agency staff and of foster and adoptive parents.
Sec. 22. Foster and adoptive parent training.
Sec. 23. Child welfare traineeships.
Sec. 24. Publication of program data.
Sec. 25. Review of child welfare activities.
Sec. 26. Automated systems.
Sec. 27. Research and evaluations.
Sec. 28. Child welfare demonstration projects.
Sec. 29. Demonstration of independent living services for young adults.
Sec. 30. Home rebuilders demonstration project.
Sec. 31. Commission on childhood disability.
Sec. 32. Effect of failure to carry out State plan.

SEC. 2. FINDINGS.

The Congress finds that:

(1) Child abuse and neglect is a growing national crisis of dangerous and costly proportions, as an alarming number of America's children are becoming the innocent victims of families shattered by poverty, unemployment, homelessness, drugs, violence, isolation, and despair.

(2) More than 2,600,000 children, or 7,381 each day, were reportedly abused or neglected in 1991, an increase of more than 150 percent in a decade; and 1,383 children, or more than 3 each day, and most of them under one year of age, died from abuse or neglect in 1991.

(3) Parental substance abuse has become a major factor in child abuse and neglect; and as many as 15 percent of newborns have been exposed in utero to crack cocaine, marijuana, and other illegal drugs.

(4) More than 400,000 children who have been abused, neglected, abandoned, or troubled now live in out-of-home foster care, an increase of more than 50 percent over the last 5 years; and more than 30,000 vulnerable children are now awaiting adoption.

(5) Skyrocketing caseloads have overwhelmed the State child welfare systems responsible for the care and protection of abused, neglected, and vulnerable children and troubled families; and Federal support for comprehensive child welfare services have been severely limited.

(6) Comprehensive services to support families should be offered to help prevent abuse, neglect, and family disintegration.

(7) Substance abuse prevention and treatment must be provided for pregnant and parenting women in order to prevent the birth of drug-exposed babies, and reduce the incidence of child abuse, neglect, family separation, and violence.

(8) It is estimated that every $1 spent on alcohol and drug treatment saves $11.54 in health and criminal justice costs.

(9) Quality foster care, adoption assistance, and independent living services should be provided to ensure that abused, neglected, and troubled children and youth receive the help and support such children and youth need to become healthy and productive adults.

SEC. 3. CHILD WELFARE SERVICES DESIGNED TO STRENGTHEN AND PRESERVE FAMILIES, AND SUBSTANCE ABUSE PREVENTION AND TREATMENT.

(a) IN GENERAL.—Part B of title IV (42 U.S.C. 620-628) is amended—

(1) by striking the heading and inserting the following:

"PART B—CHILD WELFARE SERVICES

"Subpart 1—Child Welfare Services";

(2) in section 423(a) (42 U.S.C. 623(a)), by striking "this part" and inserting "this subpart";

(3) in section 428(b) (42 U.S.C. 628(b)), by inserting "or 432, as appropriate" after "421"; and

(4) by adding at the end the following:

"Subpart 2—Innovative Family Services

"SEC. 430. ENTITLEMENT.

"(a) IN GENERAL.—For payments to which States are entitled under this subpart, there shall be available to the Secretary an amount equal to the sum of—

"(1) the innovative services amount for the fiscal year;

"(2) the substance abuse amount for the fiscal year; and

"(3) the respite care amount for the fiscal year.

"(b) DEFINITIONS.—As used in subsection (a):

"(1) INNOVATIVE SERVICES AMOUNT.—The term 'innovative services amount' means—

"(A) for fiscal year 1994, $95,000,000;

"(B) for fiscal year 1995, $235,000,000;

"(C) for fiscal year 1996, $320,000,000;

"(D) for fiscal year 1997, $340,000,000;

"(E) for fiscal year 1998, $385,000,000; and

"(F) for fiscal year 1999 and each succeeding fiscal year, $365,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on June 30 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30, 1997.

"(2) SUBSTANCE ABUSE AMOUNT.—The term 'substance abuse amount' means—

"(A) for fiscal year 1994, $40,000,000;

"(B) for fiscal year 1995, $90,000,000;

"(C) for fiscal year 1996, $110,000,000;

"(D) for fiscal year 1997, $115,000,000;

"(E) for fiscal year 1998, $125,000,000; and

"(F) for fiscal year 1999 and each succeeding fiscal year, $125,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on June 30 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30, 1997.

"(3) RESPITE CARE AMOUNT.—The term 'respite care amount' means—

"(A) for fiscal year 1995, $30,000,000;

"(B) for fiscal year 1996, $55,000,000;

"(C) for fiscal year 1997, $65,000,000;

"(D) for fiscal year 1998, $85,000,000; and

"(E) for fiscal year 1999 and each succeeding fiscal year, $85,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on June 30 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30, 1997.

"SEC. 431. ELIGIBILITY FOR FUNDS.

"(a) INNOVATIVE SERVICES AMOUNT.—

"(1) SUBMISSION OF STATE PLAN AMENDMENTS.—To be eligible to receive funds from its allotment of the innovative services

amount for any fiscal year, a State shall submit to the Secretary for approval, as an amendment to the State plan under this part, a detailed description of the services that the State intends to provide through the use of such funds during the fiscal year that includes—

"(A) a strategy for the fiscal year to improve the coordination of services to families in the State any child of which has been or is at risk of being placed outside the home, with other State programs and services;

"(B) an assurance that the State will not use any of such funds to supplant Federal, State, or local funds used for similar purposes;

"(C) an explanation of how such funds will be used, during the fiscal year, to expand services available to such families, including—

"(i) a description of the service programs to be provided through the use of such funds;

"(ii) the goals of the programs; and

"(iii) a description of the populations to which the programs will be targeted, with an assurance that the populations will consist of—

"(I)(aa) families any child of which is in foster care;

"(bb) families any child of which has been in foster care; or

"(cc) families any child of which is at risk of being placed in foster care; and

"(II) such other kinds of families as the State may select; and

"(D) such other information as the Secretary may require by regulation.

"(2) DEADLINE FOR SUBMISSION.—To be eligible to receive funds from its allotment of the innovative services amount for a fiscal year, a State shall comply with paragraph (1)—

"(A) for fiscal year 1994, not later than such date as the Secretary may require; and

"(B) for any succeeding fiscal year, not later than the July 1 of the immediately preceding fiscal year.

"(3) REPORT ON GOALS.—Not later than such date as the Secretary may require, each State which receives funds under this subpart shall submit to the Secretary a report containing a statement of goals that the State expects to achieve during the 5-year period beginning with fiscal year 1994 through the use of such funds.

"(b) SUBSTANCE ABUSE AMOUNT.—To be eligible to receive funds from the allotment to a State of the substance abuse amount for any fiscal year, the Governor of the State shall provide to the Secretary (in such form as the Secretary may prescribe) written assurances that—

"(1) the total amount of funds expended by the State (and any political subdivision thereof) from non-Federal sources to provide nonmedical substance abuse treatment support services for the fiscal year will not be less than the total amount so expended for the immediately preceding fiscal year; and

"(2) an individual who is referred by a State agency described in section 422(b)(1) to a program provided with funds from the allotment shall be given priority in admission to the program.

"SEC. 432. ALLOTMENTS TO STATES.

"The Secretary shall allot separately the innovative services amount, the substance abuse amount, and the respite care amount for any fiscal year, as follows:

"(1) ALLOTMENTS TO TERRITORIES.—The allotment for any fiscal year to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa shall be determined in the same manner in which the allotment to the jurisdiction is determined under section 421.

"(2) OTHER ALLOTMENTS.—

"(A) IN GENERAL.—The allotment for any fiscal year to each other State shall—

"(i) in the case of the innovative services amount, equal—

"(I) the innovative services amount for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(II) the food stamp percentage of the State for the fiscal year;

"(ii) in the case of the substance abuse amount, equal—

"(I) the substance abuse amount for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(II) the food stamp percentage of the State for the fiscal year; and

"(iii) in the case of the respite care amount, equal—

"(I) the respite care amount for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(II) a ratio equal to—

"(aa) the average number of children in the State who received foster care maintenance payments under section 472 for the most recent 3-year period for which such information is available; divided by

"(bb) the average number of children in the United States who received foster care maintenance payments under section 472 for such 3-year period.

"(B) FOOD STAMP PERCENTAGE DEFINED.—As used in subparagraph (A), the term 'food stamp percentage' means, with respect to a State and a fiscal year, the average number of children receiving food stamp benefits in the State for the 4th, 3rd, and 2nd preceding fiscal years, as determined from sample surveys made under section 16(c) of the Food Stamp Act of 1977, expressed as a percentage of the average number of children receiving food stamp benefits in all of the States (to which this paragraph applies) for such preceding fiscal years, as so determined.

"SEC. 433. REALLOTMENTS.

"(a) IN GENERAL.—The amount of any allotment to a State under section 432 for any fiscal year which the State has not expended by the end of the immediately succeeding fiscal year shall be available for reallotment, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

"(1) in the case of the innovative services amount and the substance abuse amount, have complied with section 431 for the 2nd succeeding fiscal year;

"(2) need sums exceeding the sums allotted to such States under sections 421 and 432 for the 2nd succeeding fiscal year, to carry out their State plans under this part for the 2nd succeeding fiscal year; and

"(3) will be able to use such excess sums during the 2nd or 3rd succeeding fiscal year.

"(b) DISTRIBUTION FORMULA.—Any amount available for reallotment shall be reallotted among the other States referred to in subsection (a) on the same basis as allotments are made under section 432.

"(c) TREATMENT OF REALLOTMENTS.—Any amount reallotted to a State under this section is deemed to be part of the allotment of the State under section 432.

"SEC. 434. PAYMENTS TO STATES.

"(a) IN GENERAL.—

"(1) INNOVATIVE SERVICES AMOUNT.—From the sums made available pursuant to section 430(a) for any fiscal year, each State which has complied with section 431 for the fiscal year shall be entitled to receive from the Secretary from the allotment to the State under section 433 of the innovative services amount, and the Secretary shall from time to time pay to the State, an amount equal to 75 percent of the total amount expended by the State during the fiscal year under the plan (including administrative costs) in accordance with section 435.

"(2) SUBSTANCE ABUSE AMOUNT.—From the sums made available pursuant to section 430(a) for any fiscal year, the Governor of each State which has a plan developed in accordance with section 422 and has complied with section 431 for the fiscal year shall be entitled to receive from the Secretary from the allotment to the State under section 433 of the substance abuse amount, and the Secretary shall from time to time pay to the Governor of the State, an amount equal to 75 percent of the total amount expended by the State in accordance with section 436 during the fiscal year.

"(3) RESPITE CARE AMOUNT.—From the sums made available pursuant to section 430(a) for any fiscal year, each State which has a plan developed in accordance with section 422 and has complied with section 431 for the fiscal year shall be entitled to receive from the Secretary from the allotment to the State under section 433 of the respite care amount, and the Secretary shall from time to time pay to the State, an amount equal to 75 percent of the total amount expended by the State in accordance with section 437 during the fiscal year.

"(b) ADMINISTRATIVE PROVISIONS.—

"(1) ESTIMATES.—Before each calendar quarter, the Secretary shall estimate the amount to be paid with respect to each State under this section for the quarter.

"(2) PAYMENTS.—From that portion of each allotment of each State, the Secretary shall pay the amount estimated under paragraph (1), reduced or increased, as the case may be, by any sum (not previously adjusted under this subsection) by which the Secretary finds that any such estimate for a prior quarter was greater or less than the amount which should have been paid with respect to the State under this subsection for such prior quarter.

"(c) AVAILABILITY OF FUNDS.—The amount to which a State is entitled under this part for a fiscal year shall remain available to the State for the fiscal year and the immediately succeeding fiscal year.

"SEC. 435. INNOVATIVE SERVICES.

"(a) IN GENERAL.—Each State which receives funds paid to the State under section 434(a)(1) shall use the funds to plan, develop, expand, operate, or evaluate—

"(1) service programs designed to help children—

"(A) where appropriate, return to families (including adoptive families) from which they have been removed; or

"(B) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement;

"(2) preplacement preventive services programs, such as intensive family preservation programs, that are designed to help children at risk of foster care placement remain with their families (including adoptive families);

"(3) service programs designed to provide follow-up care to families (including adoptive families) to whom a child has been returned after a foster care placement; or

"(4) family support services to strengthen the functioning of a family (including an adoptive or foster care family), such as—

"(A) services designed to improve parenting skills;

"(B) respite care; and

"(C) adult mentoring services by adult volunteers to low-income or at-risk children or young adults who are in need of additional, on-going contact with adult role models.

"(b) MAINTENANCE OF EFFORT.—Notwithstanding section 434, the amount that would otherwise be paid to a State under section 434(a)(1) shall be reduced by the sum of—

"(1) any amount paid to the State under section 434 which is used to supplant any Federal, State, or local funds used for purposes similar to those for which the innovative services amount is made available; and

"(2) the amount (if any) by which the total amount expended by the State and the political subdivisions thereof from State and local sources for the provision of child welfare services (excluding foster care maintenance payments and adoption assistance payments) during any fiscal year is less than the total amount so expended during fiscal year 1992.

"SEC. 436. COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAMS FOR PREGNANT WOMEN AND CARETAKER PARENTS.

"(a) IN GENERAL.—Each State which receives funds paid to the State under section 434(a)(2) shall use the funds to plan, develop, expand, operate, or evaluate a qualified comprehensive substance abuse treatment program, and to provide nonmedical substance abuse treatment support services for qualified individuals under the program.

"(b) REPORTS.—The Secretary shall require each State with respect to which payments under section 434(a)(2) are received to report (in such manner and form and at such time as the Secretary determines to be appropriate) such information as may be necessary to permit the Secretary and the Congress to evaluate the operation and effectiveness of the program and services provided pursuant to this section, including—

"(1) the number of individuals participating in the program in the State;

"(2) any limits imposed by the State on the number of individuals who may enroll in the program; and

"(3) the number of individuals on any waiting list maintained by the State for participation in the program.

"(c) DEFINITIONS.—As used in this section:

"(1) NONMEDICAL SUBSTANCE ABUSE TREATMENT SUPPORT SERVICES.—The term 'nonmedical substance abuse treatment support services' means—

"(A) home visitation services, nutrition services, child care, and parenting education;

"(B) substance abuse prevention, treatment, and follow-up services (to the extent such services are not furnished under a State plan approved under title XIX); and

"(C) any other services (such as room and board at a residential substance abuse treatment facility for a qualified individual and, where appropriate, the individual's child) that are determined by the State (in accordance with regulations promulgated by the Secretary) to be necessary and appropriate to support the participation of a qualified individual in a qualified comprehensive substance abuse treatment program.

"(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who is—

"(A) a pregnant woman or caretaker parent who is eligible for medical assistance under a State plan approved under title XIX;

"(B) at the option of the State, any other pregnant woman or caretaker parent whose income does not exceed an amount specified by the State; and

"(C) where appropriate, any child of an individual specified in subparagraph (A) or (B).

"(3) QUALIFIED COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAM.—The term 'qualified comprehensive substance abuse treatment program' means a program, established by a State, that—

"(A) makes available to qualified individuals (either directly or through arrangements with others) at least the following services:

"(i) substance abuse prevention, treatment, and follow up services (on an outpatient basis and, at the option of the State, in a residential facility);

"(ii) prenatal, gynecological, and pediatric medical services;

"(iii) transportation; and

"(iv) nonmedical substance abuse treatment support services;

"(B) provides for appropriate coordination of substance abuse treatment-related medical services furnished to individuals under the program (under title V or XIX) and nonmedical substance abuse support services for which payment may be made under section 434(a)(2); and

"(C) is administered by an agency (or agencies) designated by the Governor of the State.

"(4) CARETAKER PARENT.—The term 'caretaker parent' means a parent who personally provides (or expects to provide) care for a child.

"SEC. 437. RESPITE CARE.

"(a) IN GENERAL.—Each State which receives funds paid to the State under section 434(a)(3) shall use the funds to provide respite care to any family which operates a foster family home for 1 or more foster children who the State determines have special needs, in accordance with all applicable State and local standards and guidelines and in the least restrictive setting consistent with the special needs of such child or children.

"(b) RESPITE CARE DEFINED.—As used in subsection (a), the term 'respite care' means, with respect to the family of a foster child, care authorized by a State, or provided by a public or private agency designated by a State, to provide temporary relief for the foster parent caregiver or caregivers of the child.

"SEC. 438. EVALUATIONS; REPORT.

"(a) EVALUATIONS.—(1)(A) The Secretary shall, directly or under contract with 1 or more independent research organizations, conduct evaluations of programs carried out pursuant to section 435 in accordance with criteria that the Secretary shall establish, and in accordance with requirements that the Secretary shall prescribe by regulation.

"(B) In developing the criteria referred to in paragraph (1), the Secretary shall consult with—

"(i) individuals who administer programs under this part and part E;

"(ii) private, nonprofit organizations with an interest in child welfare; and

"(iii) other individuals and organizations with recognized expertise in the evaluation of child welfare services programs or other related programs.

"(2) Program evaluations conducted pursuant to paragraph (1) shall—

"(A) use methodologies to measure outcomes with respect to children and families who participate in the programs referred to in paragraph (1) that enable comparison with similar outcome measurements of children and families who have not received the services offered by such programs; and

"(B) include an assessment of family functioning.

"(3) In carrying out the program evaluations described in paragraph (1), the Secretary shall ensure that, where appropriate and feasible, an appropriate portion of such evaluations shall use experimental and control groups (of a sample size determined in accordance with appropriate statistical practices).

"(4)(A) The Secretary shall develop procedures to facilitate the coordination of evaluations conducted by the Secretary and by the States.

"(B) Upon request by a State, the Secretary shall provide technical assistance to facilitate the planning and design of program evaluations under this subsection.

"(b) REPORT.—For fiscal year 1996, and annually thereafter until the programs authorized under this section are completed, the Secretary shall issue a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that includes—

"(1) information concerning the status of evaluations conducted by the Secretary under subsection (a);

"(2) findings from the evaluations;

"(3) information concerning the status of the evaluations conducted by States under this section; and

"(4) a summary of the findings from the State evaluations referred to in paragraph (3).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, and 1998, the sum of $8,000,000 to carry out the purposes of this section.".

(b) REPORT.—The Secretary of Health and Human Services shall, upon completion of a review of the evaluations conducted under section 438(a) of the Social Security Act by the Secretary and by States (but not later than December 1, 1997), submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that includes recommendations for legislation to—

(1) improve child and family services provided under title IV of such Act to strengthen families;

(2) reduce the number of cases in which it is necessary to remove a child from home and place the child in foster care;

(3) promote the reunification of families of children who have been placed in foster care; and

(4) promote planned, permanent living arrangements for children, including adoption, where appropriate.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 4. GRANT PROGRAM FOR STATE COURT SYSTEMS TO ASSESS AND IMPROVE PROCEDURES IN CHILD WELFARE CASES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants in accordance with this section to the highest State courts to conduct assessments of the procedures and functions of the State courts in carrying out parts B and E of title IV of the Social Security Act, and to implement recommendations for improvements in such procedures and functions based on the assessments.

(b) ASSESSMENTS.—The assessment described in this subsection is designed to as-

sess how the State courts are performing the activities required of them by or under State laws enacted pursuant to parts B and E of title IV of the Social Security Act, and to make recommendations on how to improve the implementation of such parts, which shall include the following:

(1) A list of the requirements imposed on the State courts by or under State laws enacted pursuant to such parts, and a list of the State laws, regulations, and policies that govern the implementation of such requirements.

(2) A description of the extent to which State law requires procedural safeguards for children and their parents with respect to each type of proceeding held by State courts pursuant to the State laws referred to in paragraph (1).

(3) A quantitative and qualitative evaluation of how each requirement of such parts is being carried out in the State, including the following:

(A) The circumstances under which, and the frequency with which, the procedural safeguards described pursuant to paragraph (2) are provided.

(B) Whether, during court proceedings, evidence is presented and arguments are made that address the findings and determinations required by the State laws referred to in paragraph (1), and, if so, the amount and sufficiency of time devoted to the presentation of such evidence and the making of such arguments.

(C) The extent to which the procedures and practices of the State courts are reasonably in accord with recommended standards of national organizations concerned with permanent placement for foster children.

(4) The effect of judicial caseloads and case assignments on the quality of court proceedings.

(5) Recommendations on how to better meet the requirements of such parts, and to improve the implementation by the State courts of the State laws enacted pursuant to such parts, including any changes in law, regulation, procedure, judicial manpower, judicial case assignments, judicial caseloads, judicial data collection, judicial education, and requirements for court-appointed legal representatives for parents and children.

(c) APPLICATIONS.—

(1) FISCAL YEAR 1995.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1995, the court shall submit to the Secretary an application which, at a minimum, contains the following:

(A) A timetable for conducting and completing the assessment described in subsection (b) during fiscal year 1995.

(B) A budget for the assessment described in subsection (b), the method which is to be used to conduct the assessment, and a statement of how courts are to be selected for inclusion in the assessment.

(C) A certification that the head of the State agency responsible for children in State-supervised foster care, and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, has had an opportunity to review and comment on a draft of the application before its submission. Such certification must include a copy of such comments.

(D) A description of how the court is to consult and cooperate with the head of the State agency responsible for children in State-supervised foster care, and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, in developing and conducting the assessment described in subsection (b).

(E) Such other information as the Secretary may require by regulation.

(2) FISCAL YEAR 1996.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1996, the court shall submit to the Secretary an application which contains the following:

(A) A copy of the assessment described in subsection (b) that was conducted and completed with funds provided under this section.

(B) A description of the steps that were taken during the conduct of the assessment described in subsection (b), and that will be taken in the fiscal year for which the application is submitted, to consult and cooperate with the State agency responsible for children in State-supervised foster care and, if applicable, the State foster care citizen review board or the State organization of citizen review boards.

(C) A specification of the steps that will be taken to implement the recommendations described in subsection (b)(5) made in the assessment described in subsection (b), and to make other improvements in the judicial handling of child welfare and foster care cases.

(D) Assurances that the applicant will—

(i) coordinate with the head of the State agency responsible for children in State-supervised foster care, and provide the agency with a report on the actions to be taken by the applicant to implement the recommendations of the assessment;

(ii) after completion of the assessment described in subsection (b), use funds received under this section to—

(I) implement the recommendations of the assessment; and

(II) establish new activities or programs, or strengthen existing activities or programs, to carry out such recommendations; and

(iii) not use funds received under this section to supplant State or local funds used for similar purposes.

(E) Such other information as the Secretary may require by regulation.

(3) FISCAL YEARS 1997 AND 1998.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1997 or 1998, the court shall submit to the Secretary an application which contains the following:

(A) A description and evaluation of the activities of the State courts under the grant made with respect to an application submitted under paragraph (2) in improving their implementation of parts B and E of title IV of the Social Security Act.

(B) A description of the steps that were taken during the previous fiscal year, and that will be taken in the year for which the application is submitted, to consult and cooperate with the head of the State agency responsible for children in State-supervised foster care and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, in implementing the recommendations made in the assessment described in subsection (b).

(C) A specification of the remaining steps that will be taken to implement the recommendations described in subsection (b)(5) made in the assessment described in subsection (b), and to make other related improvements in the judicial handling of child welfare and foster care cases.

(D) A reaffirmation of the assurances made pursuant to paragraph (2)(D).

(E) Such other information as the Secretary may require by regulation.

(d) GRANT AMOUNTS.—

(1) FISCAL YEAR 1995.—Of the amounts made available to carry out this section for fiscal year 1995, each highest State court that submits an application which meets the requirements of subsection (c)(1) shall be entitled to, and the Secretary shall pay such court, a grant in an amount equal to—

(A) $150,000; plus

(B) the amount which bears the same ratio to the remainder of such available amounts as the number of individuals in the State who have not attained the age of 21 years bears to the number of individuals who have not attained such age in the States the highest State courts of which have so submitted such applications.

(2) FISCAL YEARS 1996, 1997, AND 1998.—Of the amounts made available to carry out this section for each of fiscal years 1996, 1997, and 1998, each highest State court that submits an application which meets the requirements of paragraph (2) or (3) of subsection (c) shall be entitled to, and the Secretary shall pay such court, a grant in an amount equal to—

(A) $170,000; plus

(B) the amount which bears the same ratio to the remainder of the amounts available for the fiscal year as the number of individuals in the State who have not attained the age of 21 years bears to the number of individuals who have not attained such age in the States the highest State courts of which have so submitted such applications.

(3) NO STATE MATCH REQUIRED FOR FISCAL YEAR 1995; REDISTRIBUTION OF UNUSED FUNDS.—Grant amounts under this section shall be paid to, and redistributed among, highest State courts in the same manner in which funds made available pursuant to section 420(b) of the Social Security Act are paid to, and reallotted among, the States pursuant to sections 423 and 424 of such Act, except that—

(A) for fiscal year 1995, section 423(a) of such Act shall be applied by substituting "100 percentum" for "75 percentum"; and

(B) amounts shall be redistributed on the same basis as amounts are distributed under paragraph (1)(B) or (2)(B), and amounts so redistributed shall be treated as part of the amounts distributed under paragraph (1)(B) or (2)(B), whichever is applicable.

(e) USE OF GRANTS.—

(1) FISCAL YEAR 1995.—

(A) CONDUCT ASSESSMENT.—Except as provided in subparagraph (B), each highest State court which receives a grant applied for under subsection (c)(1) shall use such grant to conduct the assessment described in subsection (b).

(B) AUTHORITY TO USE EXCESS GRANT FUNDS TO IMPLEMENT RECOMMENDATIONS.—Any highest State court which has grant funds remaining after completing the assessment may use the remainder of the grant to implement the recommendations made as part of the assessment, in fiscal year 1995 or fiscal year 1996.

(2) FISCAL YEARS 1996, 1997, AND 1998.—Each highest State court which receives a grant applied for under paragraph (2) or (3) of subsection (c) for a fiscal year shall—

(A) use the grant to implement the recommendations made as part of the assessment described in subsection (b); and

(B) expend such grant in the fiscal year or in the immediately succeeding fiscal year.

(f) ADMINISTRATIVE PROVISIONS.—

(1) GUIDELINES FOR GRANT APPLICATIONS.—Within 180 days after the effective date of this section, the Secretary shall issue guidelines for grant applications under subsection (c)(1) and transmit such guidelines to each highest State court.

(2) PROMPT ACTION ON APPLICATIONS.—The Secretary shall take prompt action on each application for a grant under this section.

(g) DEFINITIONS.—As used in this section:

(1) HIGHEST STATE COURT.—The term "highest State court" means, with respect to a State, the State court with final appellate jurisdiction over civil matters in which State courts perform a function assigned by or under State laws enacted pursuant to part B or E of the Social Security Act.

(2) STATE.—The term "State" shall have the same meaning such term has for purposes of parts B and E of title IV of the Social Security Act.

(h) REPORTS TO THE CONGRESS.—The Secretary shall submit to the Congress a report not later than September 30, 1999, on—

(1) the information obtained from the assessments conducted with grants made under this section; and

(2) the impact of the grant program under this section on the procedures and functions of the State courts in carrying out parts B and E of title IV of the Social Security Act.

(i) GRANTS FUNDED THROUGH INNOVATIVE SERVICES ENTITLEMENT FUNDS FOR CERTAIN FISCAL YEARS.—

(1) FISCAL YEAR 1995.—Of the sums made available pursuant to section 430 of the Social Security Act for fiscal year 1995, $15,000,000 of the innovative services amount (as defined in section 430(b)(1) of such Act) shall be used solely to make grants to highest State courts under this section, before applying section 432 of such Act.

(2) FISCAL YEARS 1996, 1997, AND 1998.—Of the sums made available pursuant to section 430 of the Social Security Act for each of fiscal years 1996, 1997, and 1998, $20,000,000 of the innovative services amount (as defined in section 430(b)(1) of such Act) shall be used solely to make grants to highest State courts under this section, before applying section 432 of such Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 5. STATE DIRECTORY OF SERVICES.

(a) STATE PLAN REQUIREMENT.—Section 422(b) (42 U.S.C. 622(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) require the agency administering or supervising the administration of the plan, not less frequently than every 2 years, to—

"(A) compile a detailed directory of those service programs made available by the agency or by local child welfare agencies to families served by such agencies that are—

"(i) preplacement preventive services programs that are designed to help children at risk of foster care placement remain with their families;

"(ii) service programs designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement; or

"(iii) service programs designed to provide follow-up care to families to whom a child has been returned after a foster care placement;

"(B) identify in such directory which of the programs referred to in subparagraph (A) provides specialized child welfare services to families in crisis due to substance abuse;

"(C) include in such directory such information as the Secretary may require by rule;

"(D) include in such directory, for each of such programs—

"(i) the name and address of the program and the agency or organization that administers the program;

"(ii) a description of the services offered by the program;

"(iii) the number of individuals the program is capable of serving at one time; and

"(iv) a description of the criteria for eligibility for services under the program, including any priorities with respect to who will receive such services;

"(E) arrange the information in the directory geographically; and

"(F) provide a copy of such directory to the Secretary and to all judges and other judicial administrators, and all State agencies, that are involved in child protection, foster care, and adoption cases.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1994, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

SEC. 6. REQUIRED PROTECTIONS FOR FOSTER CHILDREN.

(a) ELIMINATION OF INCENTIVE FUNDING MECHANISMS.—

(1) IN GENERAL.—

(A) REPEAL.—Section 427 (42 U.S.C. 627) is hereby repealed.

(B) CONFORMING AMENDMENT.—Section 423(a) (42 U.S.C. 623(a)) is amended by striking "and in section 427".

(2) STATE PLAN REQUIRED TO PROVIDE FOR FOSTER CARE PROTECTIONS OF REPEALED SECTION 427.—Section 422(b) (42 U.S.C. 622(b)), as amended by section 5(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) by adding at the end the following:

"(10) provide that the State must—

"(A) conduct or have conducted an inventory of all children who have been in foster care under the responsibility of the State for a period of 6 months preceding the inventory, and determine or have determined—

"(i) the appropriateness of, and necessity for, the foster care placement;

"(ii) whether the child can or should be returned to the parents of the child or should be freed for adoption; and

"(iii) the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship;

"(B) implement and operate, to the satisfaction of the Secretary—

"(i) a statewide information system from which the status, demographic characteristics, location, and goals for the placement of every child who is in foster care, or who has been in such care within the preceding 12 months, can be readily determined;

"(ii) a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State;

"(iii) a service program designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement; and

"(iv) a preplacement preventive services program designed to help children at risk of foster care placement remain with their families; and

"(C)(i) review or have reviewed State laws, State administrative and judicial procedures, and agency legal representation in effect for children abandoned at or shortly after birth; and

"(ii) develop and implement such laws and procedures as the State determines are necessary to enable lasting permanent decisions to be made expeditiously with respect to the placement of such children;".

(3) CONFORMING AMENDMENTS.—

(A) Section 472(d) (42 U.S.C. 672(d)) is amended by striking "427(b)" and inserting "422(b)(10)".

(B) Section 425(a)(2) (42 U.S.C. 625(a)(2)) is amended by inserting "to comply with section 422(b)(10) or" before "to comply".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995, and shall apply to payments under parts B and E of title IV of the Social Security Act for fiscal year 1996 and to such payments for any succeeding fiscal year.

(d) CONSTRUCTION OF SECTION.—This section and the amendments made by this section shall not be construed to permit any State to interrupt the provision of the foster care protections described in section 427 of the Social Security Act, as in effect before fiscal year 1996.

SEC. 7. STATES REQUIRED TO REPORT ON MEASURES TAKEN TO COMPLY WITH THE INDIAN CHILD WELFARE ACT.

(a) STATE PLAN REQUIREMENT.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 5(a) and 6(a)(2) of this Act, is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) contain a description, developed after consultation with tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1994, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

SEC. 8. REPORTS ON CHILD WELFARE SERVICES AND EXPENDITURES.

(a) POST-EXPENDITURE REPORTS.—

(1) IN GENERAL.—Part B of title IV (42 U.S.C. 620–628) is amended by inserting after section 428 the following:

"SEC. 429. REPORT ON EXPENDITURES.

"(a) PREPARATION.—Each State shall prepare annual reports on the services provided with funds paid under this part (other than under section 434(a)(2)) during the most recently completed fiscal year, which shall be in such form and contain such information as the State finds necessary to—

"(1) provide an accurate description of such services;

"(2) secure a complete record of the purposes for which the funds were spent; and

"(3) enable a determination of the extent to which the funds were spent in a manner consistent with the information provided by the State pursuant to section 422(b)(5).

"(b) DISSEMINATION.—Not later than the date prescribed by the Secretary as the due date for each report required by subsection (a), each State shall—

"(1) transmit to the Secretary a copy of each such report;

"(2) make copies of each such report available for public inspection in the State; and

"(3) provide copies of each such report, upon request, to any interested public agen-

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cy, which may provide to the Congress the views of such agency on any such report.

"(c) ESTABLISHMENT OF UNIFORM DEFINITIONS.—The Secretary shall, to the extent feasible, establish uniform definitions of services for use by the States in preparing the reports required by subsection (a) of this section, taking into consideration the uniform definitions established for the reports required by section 2006, and shall take such other steps as may be necessary or appropriate to ensure that compliance with this section will not be unduly burdensome on the States.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994, and shall apply to expenditures under State plans under part B of title IV of the Social Security Act in or after fiscal year 1995.

(b) COMPARATIVE FINANCIAL CONTRIBUTION REPORTS.—

(1) IN GENERAL.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 5(a), 6(a)(2), and 7(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (10);

(B) by striking the period at the end of paragraph (11) and inserting "; and"; and

(C) by adding at the end the following:

"(12) include information for the second fiscal year preceding the fiscal year covered by the plan, in such form as the Secretary may prescribe by regulation, on—

"(A) the aggregate amount expended by the State and the political subdivisions thereof for the provision of child welfare services (other than foster care maintenance payments and adoption assistance payments), broken down in a manner that shows the extent to which such amount was expended from funds provided by each of Federal, State, or local sources; and

"(B) the aggregate amount expended by the State and the political subdivisions thereof for foster care maintenance payments and adoption assistance payments, broken down in a manner that shows the extent to which such amount was expended from funds provided by each of Federal, State, or local sources.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to State plans under part B of title IV of the Social Security Act for fiscal year 1995 and to such plans for any succeeding fiscal year.

(3) REPORTS TO THE CONGRESS.—Section 422 (42 U.S.C. 622) is amended by adding at the end the following:

"(c) The Secretary shall annually transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a summary of the information received from States pursuant to subsection (b)(12), and shall make available to the public copies of the summary at a charge equal to the cost of printing.".

SEC. 9. INVOLVEMENT OF PRIVATE PARTIES IN THE DEVELOPMENT OF STATE PLANS.

(a) IN GENERAL.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 5(a), 6(a)(2), 7(a), and 8(b)(1) of this Act, is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by adding at the end the following:

"(13) provide for the involvement and use of the expertise of nonprofit organizations, and relevant experts, involved in the delivery of services to children and families, and consumers, in the development of the plan.".

SEC. 10. COMPREHENSIVE SERVICE PROJECTS.

(a) COMPREHENSIVE SERVICE PROJECTS.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601-687) is amended by inserting after part B the following:

"PART C—COMPREHENSIVE SERVICE PROJECTS

"SEC. 441. COMPREHENSIVE SERVICE PROJECTS.

"(a) IN GENERAL.—

"(1) PURPOSE.—The purpose of this section is to grant not more than 3 States the flexibility and resources necessary to develop comprehensive and coordinated services designed—

"(A) to preserve and strengthen families with children at risk of placement outside their home;

"(B) to reunite children with their families expeditiously if an out-of-home placement is found to be necessary; and

"(C) to place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not appropriate.

"(2) METHOD.—The method of this section is to permit any State to apply to the Secretary for permission—

"(A) to conduct a comprehensive service project in accordance with this section in such area or areas of the State as the State may select; and

"(B) to suspend certain requirements of parts B and E with respect to the activities of the State in such area or areas during the project.

"(3) ENTITLEMENT.—For payments to which States authorized to conduct projects under this section are entitled under this part, there shall be available to the Secretary for each fiscal year an amount equal to 10 percent of the aggregate of the amounts that would have been paid to such States under section 423 for the fiscal year, and the amounts that would have been paid to such States under section 434 for the fiscal year, if the Secretary had approved the State plans of such States under part B for the fiscal year and had not authorized such States to conduct projects under this section for the fiscal year.

"(b) APPLICATIONS.—Not later than 3 months before the fiscal year in which a State desires to commence a comprehensive services project under this section, the State may submit to the Secretary an application to conduct the project which shall contain the following:

"(1) A plan and a timetable for assessing by the end of the fiscal year—

"(A) whether procedures and policies of the child welfare agency of the State, or of the area or areas of the State in which the project is to be conducted, provide for the coordinated delivery of services to children and their families, and the specific barriers that must be overcome to ensure such coordination;

"(B) the service needs of families in the area or areas of the State in which the project is to be conducted whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement in the child welfare, juvenile justice, or mental health system;

"(C) specific service programs available in the area or areas of the State in which the project is to be conducted that address the service needs of such families; and

"(D) the extent to which common practices, policies, and procedures among the child welfare, juvenile justice, and mental health systems in the area or areas of the State in which the project is to be conducted govern the assessment of children and their families, the provision of case plans, the delivery of services to children and their families, and the periodic reviews of the services provided, particularly with regard to families whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement;

"(2) a plan and a timetable for implementing, to the extent appropriate—

"(A) procedures and policies of the child welfare agency of the State, or of the area or areas of the State in which the project is to be conducted, that will result in the coordinated and efficient delivery of the range of child welfare services to families in the child welfare system;

"(B) a comprehensive services program designed to—

"(i) preserve and strengthen families with children at imminent risk of placement outside their home;

"(ii) reunite children with their families expeditiously if an out-of-home placement is found to be necessary;

"(iii) place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not appropriate;

"(iv) meet the primary service needs of targeted families in the area or areas of the State in which the project is to be conducted who are in the child welfare, juvenile justice, or mental health system and whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement; and

"(v) include, at a minimum, access to substance abuse treatment, parenting education, health, mental health, crisis management, and counseling services;

"(C) a common assessment tool for targeting which children and families who come to the attention of the child welfare, juvenile justice, and mental health systems will participate in the program described in subparagraph (B);

"(D) joint training of staff from the child welfare, mental health, and juvenile justice systems who will be involved in the program described in subparagraph (B);

"(E) a system for delivering services under the program described in subparagraph (B) to families targeted for the program which ensures a single point of entry and uses a unified case management approach, and thereby minimizes unnecessary and duplicative assessments and services;

"(F) an information system to track children and families across systems who participate in the program described in subparagraph (B), which provides data, not less frequently than annually, on the number of children and families served from each system and the nature of the services provided; and

"(G) a mechanism by which to ensure that relevant information on the service and treatment needs and outcomes of children and their families which is developed through their participation in the program described in subparagraph (B) is made available, as appropriate, to case managers and service providers in the relevant agencies who are charged with making service, placement, and other decisions with respect to the children and their families;

"(3) a statement of the specific outcomes the State expects by conducting the project, which shall include outcomes in at least the following areas—

"(A) an increase in the well-being of children;

"(B) a reduction in placements and expenditures for out-of-home care relative to what would have occurred otherwise;

"(C) an increase in the level and mix of preventive services available to families in

the child welfare, juvenile justice, and mental health systems; and

"(D) an increase in coordination and cooperation among the child welfare, juvenile justice, and mental health agencies;

"(4) a specification of the area or areas of the State in which the project is to be conducted, in which must reside not fewer than 300,000 individuals in the aggregate at the time the application is submitted;

"(5) a certification that all cost savings resulting from the project will be used to provide child welfare services to families;

"(6) a certification that the State will provide the Secretary with such information about the project and the State programs carried out pursuant to parts B and E as the Secretary may request;

"(7) a certification that—

"(A) the State will not use any funds provided under this section to supplant any Federal, State, or local funds used for similar purposes;

"(B) the aggregate amount expended from State and local sources by the State and the political subdivisions thereof for the provision of child welfare services (excluding foster care maintenance payments and adoption assistance payments) during any fiscal year will be not less than the aggregate amount so expended during fiscal year 1993; and

"(C) the aggregate amount expended from State and local sources by the State and the political subdivisions thereof for the provision of child welfare services during any fiscal year will be not less than the aggregate amount so expended during fiscal year 1993;

"(8) a certification that the individual or agency referred to in section 422(b)(1)(A) shall have lead responsibility for the operation and administration of the project under this section;

"(9) a certification by the Governor of the State that project activities will be coordinated among the State child welfare, juvenile justice, and mental health agencies, and other appropriate State agencies; and

"(10) a list of those requirements of parts B and E which are to apply to the project, in addition to the requirements imposed by the provisions specified in subsection (c)(6)(A) of this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) NOTIFICATION TO STATES OF APPLICATION REQUIREMENTS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prepare and transmit to each State a detailed explanation of the requirements for conducting a project under this section.

"(2) CONSIDERATION OF APPLICATIONS.—The Secretary shall consider all applications (and amendments thereto) received from States desiring to conduct a project under this section.

"(3) AMENDMENT OF APPLICATIONS.—A State may, at any time and for any fiscal year, submit to the Secretary 1 or more amendments to any application submitted to the Secretary under this section.

"(4) APPROVAL OF APPLICATIONS.—

"(A) IN GENERAL.—The Secretary shall not approve any application of a State to conduct a project under this section, or any amendment thereto, that does not meet the requirements of this section to the satisfaction of the Secretary.

"(B) FREEDOM OF STATES TO SELECT AREAS IN WHICH TO CONDUCT THE PROJECT.—The Secretary may not, as a condition of approval of a State application to conduct a project under this section or of any amendment thereto, require the State to select any particular area or areas of the State in which to conduct the project.

"(C) FREEDOM OF STATES TO SELECT PROVISIONS OF PARTS B AND E TO APPLY TO THE PROJECT.—The Secretary may not, as a condition of approval of a State application to conduct a project under this section or of any amendment thereto, require the project to comply with any provision of part B or E not specified in paragraph (6)(A) of this subsection.

"(6) AUTHORITY TO CONDUCT PROJECT; GRANT AUTHORITY.—If the Secretary approves the application of a State to conduct a project under this section, then—

"(A) the Secretary shall authorize the State to conduct the project in accordance with the approved application therefor and any approved amendments thereto, and the requirements of section 427, the provision of section 471(a)(1) requiring the State plan to provide for adoption assistance in accordance with section 473, paragraphs (8), (9), (10), (12), (13), (15), and (16) of section 471(a), and sections 472(h), 473, and 479 shall apply to the project; and

"(B) in lieu of receiving the funds that would otherwise be provided to the State for any fiscal year pursuant to sections 423, 434, and 474 (other than with respect to adoption assistance) with respect to the activities of the State in the area or areas of the State in which the project is to be conducted, the State shall be entitled to receive a grant, in accordance with subsection (d) of this section, for each fiscal year, from the amount allotted to the State for the fiscal year under section 421, the total amount allotted to the State for the fiscal year under section 432, the amount to which the State is entitled for the fiscal year under part E, and the amount made available pursuant to subsection (a)(3) of this section.

"(d) ANNUAL GRANTS.—

"(1) AMOUNT OF GRANT.—

"(A) IN GENERAL.—The amount of the grant to be paid under this subsection to a State for a fiscal year shall be the amount determined by the Secretary to be—

"(i) the sum of—

"(I) 110 percent of the aggregate of the amount that would have been paid to the State under section 423 for the fiscal year, and the total amount that would have been paid to such States under section 434 for the fiscal year, if the Secretary had approved the State plan under part B for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year; and

"(II) the aggregate of the expenses for which the State would properly have submitted a claim for reimbursement under section 474 (other than with respect to adoption assistance) for the fiscal year if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year;

multiplied by

"(ii) the quotient equal to—

"(I) the number of children in the area or areas in which the project is to be conducted under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct the project; divided by

"(II) the total number of children in the State with respect to whom the State would have so made such payments for the fiscal year.

"(B) CALCULATION OF GRANT AMOUNT.—The Secretary shall calculate the expenses for which a State would properly have submitted a claim for reimbursement under section 474 (other than with respect to adoption assistance) for a fiscal year by—

"(i) determining the amount paid to the State with respect to such expenses for the fiscal year immediately preceding the fiscal year in which the State commenced (or is to commence) the project under this section;

"(ii) adjusting such amount annually for inflation based on changes in the Consumer Price Index for all urban consumers for the most recent 12-month period for which data are available; and

"(iii) increasing such amount, to the extent the Secretary deems appropriate, by taking into account—

"(I) any estimate made by the State of the expenses for which the State would properly have submitted such a claim for reimbursement for the fiscal year;

"(II) the rate at which the number of children on whose behalf the Federal Government has reimbursed foster care maintenance payments made by States not participating in the project has recently increased (emphasizing those nonparticipating States which have similar child welfare programs and similar foster care caseload characteristics), as determined by the Secretary;

"(III) changes in State laws or procedures that have the effect of changing the rate at which children are placed in foster care or changing the costs of maintaining children in foster care;

"(IV) the amount (if any) by which—

"(aa) the national average number of children per State who, as of the end of the fiscal year immediately preceding the commencement of the project, have not attained the age of 18 years and were eligible for benefits under the respective State plan under part E (expressed as a percentage of the total population of children in the respective State who have not so attained such age); exceeds

"(bb) the number of such children in the State (expressed as a similar percentage); and

"(V) other factors deemed appropriate by the Secretary.

"(2) NOTIFICATION TO STATES OF AMOUNT OF GRANTS.—The Secretary shall notify each State of the amount of the grant to be made to the State for a fiscal year under this subsection, not later than—

"(A) in the case of the first grant with respect to an approved application, the later of—

"(i) 45 days after the Secretary receives the application therefor; or

"(ii) August 1 of the fiscal year immediately preceding the fiscal year for which the grant is to be made; and

"(B) in any other case, August 1 of such immediately preceding fiscal year.

"(3) GRANTS TO BE PAID IN EQUAL QUARTERLY INSTALLMENTS.—The Secretary shall pay each grant under this subsection in equal quarterly installments.

"(e) PRESERVATION OF CERTAIN BENEFITS.—During the period in which a State is conducting a project under this section—

"(1) the State may not carry out the project in a manner which impairs the entitlement of any child to—

"(A) the foster care benefits the child would have received under a State plan approved under part E if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year; or

"(B) any other benefit to which the child is entitled by law; and

"(2) the State shall, for purposes of section 402(a)(20), be deemed to have in effect a State plan approved under part E.

"(f) REPORT ON EXPENDITURES.—

"(1) IN GENERAL.—Not later than April 1 of the fiscal year immediately following each fiscal year for which a State conducts a project under this section, the State shall prepare and submit to the Secretary a report on the funds expended under the project.

"(2) FORM AND CONTENT.—

"(A) IN GENERAL.—The report required by paragraph (1) shall be in such form and contain such information as the State finds necessary to—

"(i) accurately describe how the grant made under this section for the fiscal year was used;

"(ii) provide a complete record of how the grant funds were expended; and

"(iii) enable a determination of the extent to which the funds were spent in a manner consistent with the application therefor.

"(B) INCLUSION OF INFORMATION ON COMPARATIVE FINANCIAL CONTRIBUTIONS.—The report required by paragraph (1) for any fiscal year after fiscal year 1994 shall include the information described in section 422(b)(12) for the 2nd preceding fiscal year.

"(g) ADMINISTRATIVE REMEDIES FOR UNSUCCESSFUL PROJECTS.—If the Secretary has determined that the State is not conducting the project in accordance with this section or is not making satisfactory progress toward the achievement of the plans of the State, the Secretary may—

"(1) provide technical assistance to the project;

"(2) require the State to take corrective action with respect to the project; or

"(3) after notice and opportunity for hearing, reduce the payments that would otherwise be due the State under this section by an amount which the Secretary determines is appropriate.

"(h) TERMINATION OF PROJECTS.—

"(1) IN GENERAL.—Any State authorized to conduct a project under this section shall discontinue the project at the end of a fiscal year—

"(A) if the State has notified the Secretary that the State intends to discontinue the project at the end of the fiscal year; or

"(B) if the Secretary has determined that the State is not conducting the project in accordance with this section or is not making satisfactory progress toward the achievement of the plans of the State, and the Secretary does not plan to take action under subsection (g) during the fiscal year with respect to the project.

"(2) EFFECT OF PROJECT TERMINATION.—On the discontinuance of a project of a State under this section, parts B and E shall apply with respect to the population of, and the activities of the State in, the area or areas of the State in which the project was conducted.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1993.

(b) DEMONSTRATION PROJECTS TO IMPROVE COORDINATION OF SERVICES.

(1) IN GENERAL.—Part E of title IV (42 U.S.C. 670-679) is amended by inserting after section 474 the following:

"SEC. 474A. DEMONSTRATION PROJECTS FOR THE COORDINATION OF CHILD AND FAMILY SERVICES.

"(a) In order to improve the coordination of child and family services, the Secretary shall authorize not more than 3 States to conduct demonstration projects, to be carried out in accordance with this section.

"(b) An application to conduct a demonstration project under this section submitted by the Governor of a State shall include a description of the measures to be employed to improve the coordination of the services and benefits provided by child and family services programs carried out under the State plan under this part with programs which provide services to families and children including some or all of the following programs and services:

"(1) The program of aid and services for needy families with children carried out under the State plan pursuant to part A.

"(2) The child support and spousal support enforcement program carried out under the State plan pursuant to part D.

"(3) The job opportunities and basic skills training program carried out under section 402(a)(19) and part F.

"(4) The special supplemental food program for women, infants, and children (the WIC program) authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(5) The maternal and child health block grant program under title V.

"(6) Medical assistance furnished under the State plan approved under title XIX.

"(7) Drug treatment programs and other substance abuse programs.

"(8) Mental health services programs.

"(9) Juvenile justice programs.

"(10) Programs for developmentally disabled individuals.

"(11) Any additional services for children and families that the State determines necessary to meet the needs of all family members in order to carry out the purposes of this section that are approved by the Secretary.

"(c) A demonstration project conducted under this section may be conducted for a period of not more than 3 years.

"(d)(1) Each State that conducts a demonstration project authorized by the Secretary under this section shall, as a part of such demonstration project, conduct an evaluation of the effectiveness of the demonstration project in improving the coordination and the funding of child and family services.

"(2) Amounts expended by the State for the purposes of conducting an evaluation under this subsection shall be considered to be amounts expended for the proper and efficient administration of the State plan under this part.

"(e) Upon completion of a demonstration project under this section, each State shall submit a report to the Secretary concerning the results of the evaluation described in subsection (d).

"(f) Each State shall submit to the Secretary at such time as the Secretary may prescribe by regulation—

"(1) a description of administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the coordination of the delivery of the child and family services described in subsection (b); and

"(2) a description of the measures that the State has taken or intends to take to eliminate or reduce impediments described in paragraph (1) that are attributable to administrative policies and laws of the State or a political subdivision of the State.

"(g) This section shall not be construed to authorize the Secretary or appropriate agency head to waive or modify any requirement of the programs described in subsection (b).".

(2) PAYMENTS TO STATES FOR DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Section 474(a) (42 U.S.C. 674(a)) is amended—

(i) by striking the period at the end of paragraph (4)(B)(ii) and inserting "; plus"; and

(ii) by adding at the end the following:

"(5) if such State is authorized to conduct a demonstration project pursuant to section 474A, 50 percent of so much of such expenditures (not to exceed $750,000 for each quarter during the period of such demonstration project) to carry out the demonstration project.".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to expenditures made after September 30, 1993.

(c) REVIEW OF ADMINISTRATIVE POLICIES AND REGULATIONS.—(1) The Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Education, and the Attorney General of the United States shall review the administrative policies and regulations relating to the funding and delivery of services for families and children (as described in section 474A(b) of the Social Security Act, as added by subsection (a) of this section) of the Department of Health and Human Services, the Department of Agriculture, the Department of Education, and the Department of Justice, respectively, to determine whether changes in such administrative policies and regulations may be made without statutory changes to improve the funding and delivery of such services.

(2) In conducting a review pursuant to paragraph (1), the heads of departments described in paragraph (1) shall consult with appropriate representatives of the governments of States and political subdivisions of States.

(3) Not later than July 1, 1994, the heads of the departments described in paragraph (1) shall collectively (or separately after consultation with the others) issue a report to the Congress that includes—

(A) recommendations for statutory changes, as well as changes in regulations and administrative policies, to improve the coordination of the funding and delivery of child and family services;

(B) a description of the technical assistance that the heads of the departments will make available to the States to improve the coordination of the funding and delivery of child and family services; and

(C) an analysis of the impediments identified pursuant to section 474A(f)(1) of the Social Security Act, as added by subsection (a) of this section, as such impediments relate to Federal policies and laws.

SEC. 11. DISSOLVED ADOPTIONS.

(a) ELIGIBILITY FOR FOSTER CARE MAINTENANCE PAYMENTS.—Section 472 (42 U.S.C. 672) is amended—

(1) in subsection (b), by inserting "or (i)" after "subsection (a)"; and

(2) by adding at the end the following:

"(i) Any State with a plan approved under this part may make foster care maintenance payments under this part on behalf of a child—

"(1) with respect to whom such payments were previously made;

"(2) whose adoption has been set aside by a court;

"(3) who meets the requirements of paragraphs (1), (2), and (3) of subsection (a); and

"(4) who fails to meet the requirements of subsection (a)(4) but would meet such requirements if—

"(A) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for such payments; and

"(B) the adoption were treated as having never occurred.".

(b) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a) (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7) Any State with a plan approved under this part may enter into an adoption assistance agreement with the adoptive parents of any child with respect to whom the State may make foster care maintenance payments under section 472(i).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act in or after fiscal year 1994.

SEC. 12. EXTENSION OF DEFINITION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(c) (42 U.S.C. 673(c)) is amended to read as follows:

"(c)(1) For purposes of this section, a child shall not be considered a child with special needs unless—

"(A) the State determines that—

"(i) the child cannot or should not be returned to the home or the legal custody of the parents of the child;

"(ii) there exists a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps), or information available and known about the child indicating a high risk of medical conditions or physical, mental, or emotional handicaps, which makes it reasonable to conclude that the child cannot be placed for adoption without providing adoption assistance under this section or medical assistance under title XIX; and

"(iii) except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child or a relative, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance or medical assistance under title XIX; or

"(B) the State determines that the child—

"(i) has been adopted;

"(ii) immediately before the adoption was under the care and responsibility of the State agency administering or supervising the administration of the State programs under this part or of a private nonprofit organization; and

"(iii) has a mental, physical, or emotional handicap that—

"(I) existed before the adoption but was not diagnosed until after the adoption; or

"(II) first manifests itself after the adoption but is congenital or was caused before the adoption.

"(2) Each State shall submit to the Secretary the factors and conditions used by the State to identify children with special needs for purposes of this section, and any modifications to such factors and conditions.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994, and shall apply with respect to children who are adopted after September 30, 1994, and who become eligible for adoption assistance payments under section 473 of the Social Security Act in or after fiscal year 1995.

SEC. 13. STUDY OF REASONABLE EFFORTS REQUIREMENT BY ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish an Advisory Committee on Foster Care Placement (in this section referred to as the "Advisory Committee") to study and make recommendations concerning the implementation of the requirements imposed under section 471(a)(15) of the Social Security Act.

(b) MEMBERSHIP.—The Advisory Committee shall consist of not fewer than 9 members. In appointing persons to the Advisory Committee, the Secretary shall include representatives of the following types of organizations and agencies:

(1) Private, nonprofit organizations with an interest in child welfare (including such organizations that provide child protective services, foster care services, adoption services, or family support services).

(2) Agencies of States and political subdivisions thereof responsible for child protective services, foster care services, or adoption services.

(3) Judicial bodies of States and political subdivisions thereof responsible for adjudicating issues of family law (as defined and determined by the Secretary).

(c) TRAVEL EXPENSES.—While away from their homes or regular places of business and on the business of the Advisory Committee, the members of the Advisory Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(d) HIRING AUTHORITY.—The Advisory Committee may employ and fix the level of compensation for 1 individual.

(e) REPORT.—Not later than April 1, 1995, the Advisory Committee shall submit a report to the Secretary and to the Congress that includes legislative or other recommendations concerning the implementation of the requirements imposed under section 471(a)(15) of the Social Security Act.

SEC. 14. ADOPTION EXPENSE DEDUCTION.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 221 as section 222 and by inserting after section 221 the following new section:

"SEC. 221. SPECIAL NEEDS ADOPTION EXPENSES DEDUCTION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the individual for such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The aggregate amount of adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $3,000.

"(2) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowable under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) REIMBURSEMENTS.—If a taxpayer is reimbursed for any qualified adoption expenses for which a deduction was allowed under subsection (a), the amount of such reimbursement shall be includable in the gross income of the taxpayer in the taxable year in which such reimbursement was received.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses which—

"(A) are directly related to the legal adoption of a child with special needs by the taxpayer,

"(B) are not incurred in violation of State or Federal law, and

"(C) are of a type eligible for reimbursement under the adoption assistance program under part E of title IV of the Social Security Act.

"(2) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child determined by the State to be a child described in subparagraph (A) or (B) of section 473(c)(1) of the Social Security Act.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (13) the following new paragraph:

"(14) ADOPTION EXPENSES.—The deduction allowed by section 221 (relating to deduction for expenses of adopting a child with special needs).".

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 221 and by inserting the following new items:

"Sec. 221. Special needs adoption expenses deduction.

"Sec. 222. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to adoptions occurring in taxable years beginning after December 31, 1993.

SEC. 15. PERIODIC REEVALUATION OF FOSTER CARE MAINTENANCE PAYMENTS.

(a) IN GENERAL.—Section 471(a)(11) (42 U.S.C. 671(a)(11)) is amended to read as follows:

"(11)(A) provides for periodic review of the standards referred to in paragraph (10) to assure their continuing appropriateness; and

"(B) provides for the review, not less frequently than once every 3 years, of the amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness, and a report to the Secretary and the public on the results of such review at such time and in such form and manner as the Secretary may by regulation require, which contains, at a minimum—

"(i) a statement of the manner in which the foster care maintenance payment level is determined, including information on the cost of foster care with respect to which such payments are made;

"(ii) information with respect to the basic foster care maintenance payment level, whether such payment level includes an amount to cover the cost of clothing, and whether such payment level varies by the type of care or the special needs or age of the child, and if so, the payment levels for each special need, care, or age category;

"(iii) if such payments are not made at a different rate for children with special needs who test positive for human immunodeficiency virus, have acquired immune deficiency syndrome, are addicted to drugs, or suffer from complications due to exposure to drugs or alcohol, the reasons therefor; and

"(iv) information on any limitations imposed by the State on adoption assistance payments levels;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 16. CASE REVIEW SYSTEM REQUIREMENTS.

(a) ACCELERATED DISPOSITIONAL HEARING.—Section 475(5)(C) (42 U.S.C. 675(5)(C)) is amended by striking "eighteen months" and inserting "15 months".

(b) PERIODIC REVIEW OF CHILDREN FREE FOR ADOPTION.—Section 475(5)(B) (42 U.S.C. 675(5)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by inserting "and" after "legal guardianship"; and

(3) by adding at the end the following:

"(ii) if the entity conducting the review finds that the child should be placed for adoption, the entity shall determine and document the measures needed to enhance the likelihood of making the child legally eligible for adoption and of finding an adoptive home for the child, and if the child is legally eligible for adoption, determine and document (I) the specific measures which have been taken, and the specific measures which need to be taken, to make an adoptive placement, or (II) a finding that placement of the child in an adoptive family would be inappropriate,".

(c) MOST APPROPRIATE SETTING.—Section 475(5)(A) (42 U.S.C. 675(5)(A)) is amended by inserting "and most appropriate" after "(most family like)".

(d) CITIZEN VOLUNTEER INPUT.—Section 475(5) (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by inserting at the end the following new subparagraph:

"(E) to the extent determined appropriate by the State, citizen volunteers may participate in making recommendations at either the court or administrative reviews described in subparagraph (B) or at the dispositional hearings described in subparagraph (C).".

(e) EFFECTIVE DATES.—

(1) ACCELERATED DISPOSITIONAL HEARING; PERIODIC REVIEW OF CHILDREN FREE FOR ADOPTION.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1995, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1996 and to such payments for any succeeding fiscal year.

(2) MOST APPROPRIATE SETTING.—The amendment made by subsection (c) shall take effect with respect to case reviews conducted on or after July 1, 1994.

(3) CITIZEN VOLUNTEER INPUT.—The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 17. HEALTH CARE PLANS FOR FOSTER CHILDREN.

(a) IN GENERAL.—Section 475(1)(C) (42 U.S.C. 675(1)(C)) is amended—

(1) in clause (i), by striking "and addresses" and inserting ", addresses, and telephone numbers";

(2) in clause (vii), by striking "and"; and

(3) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) a record indicating that the child's foster care provider was advised (where appropriate) of the child's eligibility for early and periodic screening, diagnostic, and treatment services under title XIX; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to case plans established or reviewed on or after January 1, 1994.

SEC. 18. PLACEMENT ACCOUNTABILITY.

(a) CASE PLAN PROVISIONS REQUIRED FOR CHILDREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS.—Section 475(1) (42 U.S.C. 675(1)) is amended by inserting after subparagraph (C) the following:

"(D) In the case of a child receiving foster care maintenance payments under section 472 who is placed in a facility outside the State, a finding that—

"(i) efforts have been made to place the child in a facility in the State;

"(ii) the child needs services not available in the State;

"(iii) the placement is in the least restrictive (most family like) and most appropriate setting available, consistent with the best interests and the special needs of the child; and

"(iv) the placement has been approved by—

"(I) a court; or

"(II) a committee (such as a foster care review board), established by the State, that reviews placements outside the State and that, in addition to the appropriate State personnel, includes child advocates, parents, and other individuals the State deems appropriate.".

(b) STATUS OF CHILDREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS TO BE JUDICIALLY REVIEWED ANNUALLY WITH THE CHILD PRESENT.—Section 475(5)(B) (42 U.S.C. 675(5)(B)), as amended by section 16(b) of this Act, is amended—

(1) by striking "and" at the end of clause (i);

(2) by adding "and" at the end of clause (ii); and

(3) by adding at the end the following:

"(iii) in the case of a child who is placed by a State in a foster care facility outside the State, the status of the child shall be reviewed by a court, not less frequently than annually, with the child present, unless the court determines that due to the age or condition of the child, or for some other good cause, the presence of the child would be detrimental to the child or would not accomplish a useful purpose,".

(c) STATE PLAN REQUIREMENT.—Section 471(a) (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting "; and"; and

(3) by adding at the end the following:

"(18) provides that the State agency must ensure that any facility outside the State in which a child eligible for foster care maintenance payments under section 472 is placed has certified to the originating State that the facility meets the standards of the originating State which apply to child care facilities, or the standards recommended by national organizations concerned with standards for such facilities, including standards of the types described in paragraph (10).".

(d) COLLECTION OF DATA ON NUMBERS OF CHILDREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS.—Section 479(c)(3)(C) (42 U.S.C. 679(c)(3)(C)) is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following:

"(iii) children placed in foster care outside the State, and".

(e) EFFECTIVE DATES.—

(1) CASE PLAN, CASE REVIEW SYSTEM, AND STATE PLAN CHANGES.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1994 and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in fiscal years 1995, 1996, and 1997.

(2) DATA COLLECTION.—The amendments made by subsection (d) shall take effect on October 1, 1995 and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in or after fiscal year 1996.

(f) STUDY OF REASONS FOR MAKING OUT-OF-STATE FOSTER CARE PLACEMENTS.—In order for a State to receive payments under section 474 of the Social Security Act for amounts expended after fiscal year 1995 for foster care maintenance payments under section 472 of such Act made with respect to children placed by the State in foster care outside the State, the State shall, by the end of such fiscal year, conduct and submit to the Secretary a study designed to identify—

(1) the number of such children and the characteristics (if any) common to such children; and

(2) the reasons why such children were not placed in foster care in the State.

SEC. 19. INDEPENDENT LIVING.

(a) ACCUMULATION OF ASSETS.—Section 477 (42 U.S.C. 677) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) inserting after subsection (h) the following new subsection:

"(i) Notwithstanding any other provision of this title or of title XIX, with respect to a child who is included in a program established under subsection (a), an amount of the assets of the child which would otherwise be regarded as resources for the purposes of determination of eligibility for programs under this title or title XIX may be disregarded for the purpose of allowing such child to establish a household. Such amount may not exceed an amount determined by the State agency responsible for the administration of the program as reasonable for the purpose of establishing a household.".

(b) PERMANENT EXTENSION.—Section 477 (42 U.S.C. 677) is amended—

(1) in subsection (a)(1), by striking the 3rd sentence;

(2) in subsection (c), by striking "of the fiscal years 1988 through 1992" and inserting "succeeding fiscal year";

(3) in subsection (e)(1)(A), by striking "each of the fiscal years 1987 through 1992" and inserting "any fiscal year".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1994 and payments made under such part for any succeeding fiscal year.

SEC. 20. ELIMINATION OF FOSTER CARE CEILINGS AND OF AUTHORITY TO TRANSFER UNUSED FOSTER CARE FUNDS TO CHILD WELFARE SERVICES PROGRAMS.

(a) REPEAL.—Subsections (b) and (c) of section 474 (42 U.S.C. 674 (b) and (c)) are hereby repealed.

(b) CONFORMING AMENDMENTS.—Section 474 (42 U.S.C. 674) is amended—

(1) in subsection (d)—

(A) by striking "subsections (a), (b), and (c)" and inserting "subsection (a)"; and

(B) by striking "the provisions of such subsections" and inserting "subsection (a)"; and

(2) by redesignating subsection (d) as subsection (b).

(c) EFFECTIVE DATE.—The amendments and repeal made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 21. REGULATIONS FOR TRAINING OF AGENCY STAFF AND OF FOSTER AND ADOPTIVE PARENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish an advisory committee which shall include representatives of—

(1) nonprofit organizations with an interest in child welfare (including organizations that train professional social workers in the field of child welfare services); and

(2) organizations representing State and local governmental agencies with responsibility for foster care and adoption services.

(b) FINAL REGULATIONS.—Not later than 15 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall, after consultation with the advisory committee established under subsection (a), issue final regulations setting forth detailed guidelines to assist States in using Federal matching funds authorized to be provided under section 474(a)(3) of the Social Security Act for the purpose of training for—

(1) individuals who are employed, or preparing for employment, by the agencies with responsibility for administering the foster care and adoption assistance programs of the States under part E of title IV of such Act; and

(2) foster and adoptive parents.

(c) TRAINING FOR EMPLOYMENT IN CHILD WELFARE AGENCIES.—In order to improve the capacity of State and local child welfare agencies to administer the programs authorized under parts B and E of title IV of the Social Security Act and to provide services to families and children, the Secretary of Health and Human Services shall, not later than October 1, 1994, develop and publish a model staff recruitment, training, and staff retention program for use by such agencies.

SEC. 22. FOSTER AND ADOPTIVE PARENT TRAINING.

Section 8006(b) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 674 note; 103 Stat. 2462) is amended by striking ", and before October 1, 1992".

SEC. 23. CHILD WELFARE TRAINEESHIPS.

(a) IN GENERAL.—Part B of title IV (42 U.S.C. 620–628), as amended by section 8(a), is amended by inserting after section 429 the following:

"SEC. 429A. CHILD WELFARE TRAINEESHIPS.

"(a) The Secretary shall approve an application for a grant to a public or nonprofit institution of higher learning to provide traineeships with stipends under section 426(a)(1)(C), only if the application—

"(1) provides assurances that each individual who receives a stipend with such traineeship (in this section referred to as a 'recipient') shall enter into an agreement with the institution of higher learning under which the recipient shall agree—

"(A) to participate in onsite training at a public or private child welfare agency on a regular basis (as determined by the Secretary) for the period of the traineeship;

"(B) to be employed for a period of years equivalent to the period of the traineeship in a public or private nonprofit child welfare agency in any State after completing the postsecondary education for which the traineeship was awarded (within such period of time as is determined by the Secretary by regulation);

"(C) to provide the institution of higher learning and the Secretary with evidence of compliance with subparagraphs (A) and (B); and

"(D) in the event that the conditions of subparagraph (A) or (B) are not complied with (except as provided in the exceptions to repayment provisions described in subsection (b)), to repay to the Secretary all or part of the amount of the stipend, plus interest, and if applicable, reasonable collection fees (in compliance with regulations that the Secretary shall promulgate);

"(2) provides that an agreement entered into with a recipient shall fully disclose the terms and conditions under which the traineeship with stipend is granted; and

"(3) provides assurances that the institution of higher learning shall—

"(A) provide appropriate support and supervision of recipients;

"(B) enter into agreements with child welfare agencies for the onsite training of recipients;

"(C) develop and implement a curriculum in the field of child welfare services that—

"(i) incorporates the most recent information concerning best practices for the delivery of child welfare services; and

"(ii) incorporates information relating to clause (i) supplied to the institution through consultation with child welfare agencies;

"(D) permit a student who is employed in the field of child welfare services (at the time such student applies for a traineeship) to apply for a traineeship with a stipend if such traineeship furthers the student's progress toward the completion of degree requirements; and

"(E) develop and implement a system that tracks for a period of 3 years, beginning on the date of completion of any student of a child welfare services program of study, the employment record of such student in the field of child welfare services (for the purpose of determining the percentage of students who secure employment in the field of child welfare services and remain employed in such field).

"(b) A recipient shall not be considered in violation of the agreement entered into pursuant to subsection (a)(1) during any period in which the recipient satisfies repayment exceptions that may be prescribed by the Secretary by regulation.".

(b) CONFORMING AMENDMENT.—Section 426(a)(1)(C) (42 U.S.C. 626(a)(1)(C)) is amended by inserting "described in section 429" after "including traineeships".

(c) APPLICABILITY.—The amendments made by this section shall apply to grants awarded on or after April 1, 1994.

SEC. 24. PUBLICATION OF PROGRAM DATA.

(a) IN GENERAL.—Section 479 (42 U.S.C. 679) is amended by adding at the end the following:

"(d) Not later than January 31 of each year, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and shall make available to the public at a charge equal to the cost of printing, a report containing the following information, at least for the most recent fiscal year for which such information is available:

"(1) A detailed summary, and a breakdown by State, of—

"(A) the expenditures of each State for the program during the fiscal year for each of the programs funded under part B, part C, or this part, broken down in a manner that shows the extent to which such expenditures were made from funds provided by each of Federal or State sources; and

"(B) to the extent available, the number of children or families participating in each of such programs.

"(2) Information detailing the schedule and result of the reviews conducted under the regulatory review system established in accordance with section 491, including information on payments withheld, reduced, or sought, or intended by the Secretary to be withheld, reduced, or sought, from each State as a result of such reviews.

"(3) The information described in clauses (ii) and (iii) of section 471(a)(11)(B).

"(4) An analysis of the services provided with funds made available under part B.

"(5) A listing and summary of ongoing research, training, and demonstration projects funded under section 426 or 438 of this Act or under sections 27 through 30 of the Family Preservation and Child Protection Reform Act, and the expected date for the publication of any evaluations of, conclusions based on, or analyses of such projects.

"(6) Any other information the Secretary deems useful to monitor the operations of the program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 25. REVIEW OF CHILD WELFARE ACTIVITIES.

(a) NEW SYSTEM FOR REVIEWING CHILD WELFARE ACTIVITIES.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601–687) is amended by adding at the end the following:

"PART G—CHILD WELFARE REVIEW SYSTEM

"SEC. 491. CHILD WELFARE REVIEW SYSTEM.

"(a) ESTABLISHMENT BY REGULATION.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation, a system for—

"(A) the review of each child welfare program of each State for the purposes of—

"(i) assessing whether the program is being carried out as required by part B or E, whichever is applicable;

"(ii) identifying any area in which the program is not being carried out as so required, and the degree to which the program is not being so carried out; and

"(iii) identifying the circumstances under which financial penalties shall be imposed in cases of failure to comply with part B or E, whichever is applicable, and imposing financial penalties proportional to the degree of such failure to comply, unless action is taken to correct such failure; and

"(B) the provision of technical assistance to any such program.

"(2) STATE CHILD WELFARE PROGRAMS DEFINED.—As used in this section, the term 'child welfare programs' means, with respect to a State—

"(A) all activities engaged in by, or under contract with, the State for the purpose of carrying out the State plan for child welfare services under part B; and

"(B) all activities engaged in by, or under contract with, the State for the purpose of carrying out the State plan approved by the Secretary under part E.

"(b) CONTENT OF REGULATIONS.—The regulations required by subsection (a) shall—

"(1) require each State child welfare program to be reviewed on a fiscal year basis to determine—

"(A) whether and, where appropriate, the degree to which, the program complies with the requirements of the applicable State plan referred to in subsection (a)(2); and

"(B) the extent to which the amounts claimed to have been expended by the State for foster care maintenance payments under section 472 and for adoption assistance payments under section 473 are eligible for reimbursement under part E;

"(2) specify the criteria that are to be used to assess, with respect to each subparagraph of paragraph (1)—

"(A) whether each program has complied with the requirements that apply to the matters described in such subparagraph; and

"(B) the degree of such compliance;

"(3) require that the procedures used to determine whether, and, where appropriate, the degree to which a State child welfare program is carried out in compliance with the applicable requirements—

"(A) enable a timely review of all matters referred to in paragraph (1);

"(B) include the sampling of foster care maintenance payments made under section 472, adoption assistance payments made under section 473, and payments for such other activities under the State plan approved under part E as the Secretary deems appropriate;

"(C) be applied uniformly to each State child welfare program; and

"(D) be periodically reviewed and, if necessary, revised to take into account information from completed reviews under such regulations;

"(4) provide that a deficiency or error in a State child welfare program is not to be taken into account if the deficiency or error is—

"(A) due to the State's failure to properly implement changes in Federal statute within the 6-month period beginning with the date the statute takes effect or, if later, within the 6-month period beginning with the date the regulation is issued if the regulation is reasonably necessary to construe or apply the statute;

"(B) due to the State's reliance upon and correct use of erroneous information provided by the Secretary about matters or fact;

"(C) due to the State's reliance upon and correct use of written statements of Federal policy provided to the State by the Secretary; or

"(D) of a technical nature and does not materially affect the performance of the program or the protection of children who are in, or at risk of being placed in, foster care;

"(5) establish the method by which a financial penalty is to be calculated, with respect to each subparagraph of subsection (b)(1), if there is a failure by a State child welfare program to comply with the requirements that apply to the matters described in such subparagraph;

"(6) provide that the financial penalty to be imposed for a failure described in paragraph (5)—

"(A) reflect the degree of the failure; and

"(B) to the extent appropriate, be based on the formula used to determine the amount of a disallowance under section 408(f); and

"(7) be developed in consultation with representatives of State agencies administering the programs under parts B and E.

"(c) FREQUENCY OF REVIEWS.—Not less frequently than once every 3 years, the Secretary shall complete a review of each State child welfare program for the most recently completed fiscal year under the regulatory review system established in accordance with this section.

"(d) EFFECTS OF DETERMINATIONS OF NONCOMPLIANCE.—

"(1) NOTIFICATION.—The Secretary shall provide timely notification to any State of any determination under this section that a State child welfare program has failed, with respect to any subparagraph of subsection (b)(1), to comply with the requirements that apply to the matters described in such subparagraph, and shall include with such notice—

"(A) the basis for the determination; and

"(B) the amount of the financial penalty (if any) imposed on the State under the regulations issued under this section.

"(2) DETERMINATION OF PENALTIES.—The regulations setting forth the conditions under which penalties are to be imposed, and the amount of such penalties shall specify, where appropriate—

"(A) thresholds beyond which a State child welfare program will be determined to have failed to comply with Federal requirements, and thresholds beyond which a failure of such a program to comply with such requirements will be determined to be substantial; and

"(B) the circumstances under which a program under part B shall not be subject to penalty (or such penalty shall be withheld or reduced) if the State has developed and followed an approved corrective action plan.

"(e) ADMINISTRATIVE REVIEW.—

"(1) IN GENERAL.—Within a reasonable time after a State is notified of a determination under this section that there is a failure of a State child welfare program to comply with applicable requirements, and of the amount of the financial penalty imposed on the State under this section with respect to such failure, the State may appeal the determination and the imposition of the penalty (in whole or in part) to the Departmental Appeals Board established in the Department of Health and Human Services, by filing an appeal with the Board.

"(2) AUTHORITY OF BOARD TO ADJUST PENALTY.—The Board may adjust the amount of the financial penalty to be imposed under this section, taking into account—

"(A) the amount of the financial penalty imposed by the Secretary;

"(B) the proportionality of the penalty to the degree of the failure; and

"(C) where appropriate, whether the failure materially affected the protection of children who are in, or at risk of being placed in, foster care.

"(f) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Within a reasonable time after a decision by the Departmental Appeals Board with respect to the imposition of a penalty under the regulatory review system established in accordance with this section, the State may obtain judicial review of the decision by filing an action in—

"(A) the district court of the United States for the judicial district in which the principal or headquarters office of the agency responsible for administering the State child welfare program which is the subject of the decision is located; or

"(B) the United States District Court for the District of Columbia.

"(2) PROCEDURAL RULES.—The district court shall review the decision of the Board on the record established in the proceedings before the Board, in accordance with the standards of review prescribed by subparagraphs (A) through (E) of section 706(2) of title 5, United States Code.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) FINAL REGULATIONS.—

(1) DEADLINE FOR ISSUANCE.—Not later than January 1, 1995, the Secretary of Health and Human Services shall issue, in final form, the regulations required by section 491 of the Social Security Act.

(2) APPLICABILITY.—Such regulations shall apply to conduct occurring on or after October 1, 1995.

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 471(b) (42 U.S.C. 671(b)) is amended by striking all that follows the first sentence.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1995.

(d) ALL STATE CHILD WELFARE PROGRAMS TO BE REVIEWED BY THE END OF FISCAL YEAR 1999.—Not later than September 30, 1999, the Secretary of Health and Human Services shall complete at least one review of each State child welfare program (as defined in section 491(a)(2) of the Social Security Act, as added by subsection (a)(1)) under the regulatory review system established in accordance with such section.

(e) MORATORIUM ON COLLECTING DISALLOWANCES UNDER PART E.—The Secretary of Health and Human Services shall not, before October 1, 1994, reduce any payment to, withhold any payment from, or seek any repayment from, any State under part E of title IV of the Social Security Act by reason of a determination made in connection with any on-site Federal financial review, or any audit conducted by the Inspector General using similar methodologies.

(f) MORATORIUM ON COLLECTING DISALLOWANCES UNDER PART B.—Section 10406 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 627 note; 103 Stat. 2490) is amended—

(1) by striking "1991" and inserting "1994";

(2) by striking "triennial";

(3) by striking "1992" and inserting "1995"; and

(4) by striking the section heading and inserting the following:

"SEC. 10406. TREATMENT OF REVIEWS OF STATE FOSTER CARE PROTECTIONS FOR FISCAL YEARS BEFORE OCTOBER 1, 1994."

(g) PAYMENT OF STATE CLAIMS FOR FOSTER CARE AND ADOPTION ASSISTANCE.—

(1) IN GENERAL.—Section 474 (42 U.S.C. 674), as amended by section 20 of this Act, is amended by adding at the end the following:

"(c) The Secretary shall pay any State claim for reimbursement for expenditures pursuant to subsection (a) within 90 days after the receipt of the claim unless the Secretary issues a deferral or a disallowance of the claim before the end of such 90-day period.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to actions taken before, on, or after such date.

SEC. 26. AUTOMATED SYSTEMS.

(a) ENHANCED MATCH.—

(1) PAYMENTS TO STATES.—

(A) IN GENERAL.—Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended—

(i) by striking "and" at the end of subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (E); and

(iii) by inserting after subparagraph (B) the following:

"(C) 90 percent of so much of such expenditures as are for the planning, design, development, or installation of statewide mechanized data collection and information retrieval systems (including 90 percent of the full amount of expenditures for hardware components for such systems) but only to the extent that such systems—

"(i) meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);

"(ii) to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect;

"(iii) to the extent practicable, have the capability of interfacing with, and retrieving

information from, the State data collection system that collects information relating to the eligibility of individuals under part A (for the purposes of facilitating the verification of the eligibility of foster children); and

"(iv) are determined by the Secretary to be likely to provide more efficient, economical, and effective administration of the programs carried out under the State plan approved under part B or the State plan approved under this part; and

"(D) 50 percent of so much of such expenditures as are for the operation of the statewide mechanized data collection and information retrieval systems referred to in subparagraph (C); and".

(B) TREATMENT OF STATE EXPENDITURES FOR DATA COLLECTION AND INFORMATION RETRIEVAL SYSTEMS.—Section 474 (42 U.S.C. 674), as amended by sections 20 and 25(g)(1) of this Act, is amended by adding at the end the following:

"(d) The Secretary shall treat as necessary for the proper and efficient administration of the State plan approved under this part all expenditures of a State that are necessary in order for the State to plan, design, develop, install, and operate data collection and information retrieval systems described in subsection (a)(3)(C), without regard to whether the systems may be used with respect to foster or adoptive children other than those on behalf of whom foster care maintenance payments or adoption assistance payments may be made under this part.".

(C) CONFORMING AMENDMENT.—Section 473(a)(6)(B) (42 U.S.C. 673(a)(6)(B)), as amended by section 9102(b) of this Act, is amended by striking "474(a)(3)(B)" and inserting "474(a)(3)(E)".

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to payments under part E of title IV of the Social Security Act for expenditures made during the 3-year period that begins 6 months after the date of the enactment of this Act.

(2) TERMINATION OF ENHANCED MATCH.—

(A) IN GENERAL.—Section 474(a)(3)(C) (42 U.S.C. 674(a)(3)(C)), as added by paragraph (1)(A)(iii) of this subsection, is amended by striking "90" each place such term appears and inserting "50".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on September 30, 1996.

(C) CONSTRUCTION.—The amendment made by subparagraph (A) of this paragraph shall not be construed to affect any right, entitlement, or duty granted or imposed by, or arising by reason of, the amendments made by paragraph (1).

(b) ESTABLISHMENT OF GROUP TO ADVISE THE SECRETARY ON THE PLANNING AND IMPLEMENTATION OF AUTOMATED SYSTEMS.—

(1) IN GENERAL.—Section 479 (42 U.S.C. 679), as amended by section 24(a) of this Act, is amended by adding at the end the following:

"(e) The Secretary shall establish a work group to advise the Secretary on the planning and implementation of the system to be used for the collection of data relating to adoption and foster care in the United States. Such group shall include representatives of—

"(1) organizations described in subsection (a)(4)(B)(ii); and

"(2) other appropriate groups.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 27. RESEARCH AND EVALUATIONS.

(a) FOSTER CARE EVALUATIONS; LONGITUDINAL CHILD WELFARE DATA BASES; STUDIES OF CHILD WELFARE POPULATION DYNAMICS.—Section 426(b) (42 U.S.C. 626(b)) is amended to read as follows:

"(b) RESEARCH AND EVALUATION PROJECTS.—

"(1) FOSTER CARE EVALUATIONS.—In order to promote more appropriate and effective foster care for children in need of long-term foster care, the Secretary shall, directly or under contract with 1 or more independent research organizations, and in accordance with such criteria as the Secretary deems appropriate, evaluate the effects of alternative foster care arrangements and services on the well-being of children who—

"(A) have little prospect of being reunited with their families, or of being adopted; and

"(B) represent a challenging group of foster children who are in need of specialized services or care.

"(2) LONGITUDINAL CHILD WELFARE DATA BASES; STUDIES OF CHILD WELFARE POPULATION DYNAMICS.—

"(A) CONTRACT AUTHORITY.—In order to develop more appropriate and effective intervention strategies with respect to children and their families who are referred or reported to the child welfare system, the Secretary shall, directly or under contract with 1 or more independent research organizations—

"(i) plan, design, develop, and implement not more than 4 child welfare data bases that provide detailed longitudinal information on children and their families to whom the local public child welfare system provides services, from the time such children are first referred or reported to such system; and

"(ii) using data from such data bases, conduct such studies on children and their families served by public child welfare systems, as the Secretary deems appropriate, including a study of the extent to which a lack of affordable housing is a factor in the placement of children in foster care, and (at the option of the Secretary) studies of—

"(I) the movements of subgroups of children and their families into, through, and out of the various parts of the child welfare system;

"(II) the characteristics of those children or families who stay in the system or various parts of the system for short time periods versus those who stay for long time periods;

"(III) the type and intensity of, and effectiveness of, services that families receive in the system;

"(IV) the frequency of contact between and among foster children, their parents, and caseworkers;

"(V) the factors associated with repeat occurrences of child abuse and neglect, and other outcomes; and

"(VI) the condition of children in the system in areas that may include educational performance, health, and personal and social adjustment.

"(B) AGREEMENTS WITH STATES.—

"(i) IN GENERAL.—Not later than October 1, 1994, the Secretary shall enter into agreements with not more than 4 States or localities to—

"(I) participate in the planning, design, development, and operation of a longitudinal child welfare data base described in subparagraph (A) in the participating State or locality involved; and

"(II) reimburse such States or localities for expenditures incurred with respect to such activities.

"(ii) PAYMENTS TO STATES.—Under each such agreement, the Secretary shall be obligated to pay the State or locality participating in the establishment of the data base—

"(I) from amounts available for payments under section 474(a)(3)(C), 70 percent of such expenditures as are incurred during the 3-year period beginning on October 1, 1994, for the planning, design, development, installation, or operation of the data base; and

"(II) from amounts available for payments under section 474(a)(3)(D), 50 percent of such expenditures as are incurred after the end of such 3-year period for the operation of the data base.

"(C) DATA BASE REQUIREMENTS.—The Secretary shall ensure that each longitudinal data base established under this paragraph—

"(i) includes information on the receipt, by children and their families in the data base, of particular child welfare services, including—

"(I) child protective services;

"(II) services designed to strengthen and preserve families;

"(III) foster care and adoption services; and

"(IV) other services made available by the child welfare system;

"(ii) to the extent feasible, includes information on the receipt of services, or the placement of children, through the public mental health or juvenile justice agencies;

"(iii) includes only data that are reliable and developed using uniform definitions and methodologies that are consistent over time and, to the extent feasible, among jurisdictions; and

"(iv) to the extent appropriate, is implemented with the State data collection and information retrieval systems described in section 474(a)(3)(C).".

(b) OTHER RESEARCH AND EVALUATIONS.—

(1) STUDY OF RISKS TO FOSTER CARE WORKERS; NATIONAL WORKLOAD STUDY; EVALUATION OF FOSTER PARENT RECRUITMENT, TRAINING, AND EDUCATION.—The Secretary may—

(A) conduct a study to assess the prevalence and nature of risks to the safety of employees of child welfare systems, under which empirical information shall be obtained on—

(i) the incidence of violence toward, or harassment of, such employees;

(ii) the types of such employees exposed to the greatest risk;

(iii) the types of harm threatened or inflicted;

(iv) the characteristics of perpetrators of such violence or threats;

(v) the most dangerous child welfare settings; and

(vi) the differences (if any) between urban and rural areas in the above respects;

(B)(i) enter into a contract with an organization or organizations with demonstrated experience in the field of workload measurement for human service agencies—

(I) under which the organization is to conduct a 3-year study to examine methodologies for measuring the workloads of providers of child welfare services and providers of community mental health services; and

(II) which, at a minimum, requires the organization to—

(aa) examine and document which methodologies are used to measure caseworker and supervisor workloads;

(bb) develop general standards for measurement and size of workloads;

(cc) apply and validate standards for measurement and size of workloads; and

(dd) develop software that enables agencies to use appropriate methodologies to measure workloads; and

(ii) consult with an advisory body selected by the Secretary, in planning and carrying out the study described in clause (i); and

(C) under contract with an independent research organization, conduct a study that—

(i) is designed to evaluate strategies for the recruitment and retention of foster parents, and the effects of foster parent training programs on the retention of foster parents; and

(ii) shall identify successful recruitment techniques and recommend steps which could be taken at the Federal, State, or local level to improve the recruitment, retention, and training of foster parents.

(2) CHILD SEPARATION GUIDELINES STUDY.—The Secretary shall conduct a study designed to answer the following questions:

(A) How do the criteria for removal of children from the home, and the tools for assessing the risk to the child if not removed from the home, vary from State to State? In considering this question, the Secretary should examine—

(i) the decisionmaking process at the caseworker level in at least 3 States, at least 1 of which has a significantly higher than average rate of removing children from the home, at least 1 of which has an approximately average rate of removing children from the home, and at least 1 of which has a significantly lower than average rate of removing children from the home; and

(ii) other factors that may affect placement rates such as State laws and policies, interpretations by the State child welfare agency of the reasonable efforts requirement of section 471(a)(15) of the Social Security Act, and the tendency to place or not place children as a result of economic incentives provided by various State and Federal funding sources.

(B) What guidelines should be used to assess such risk and determine the need for removal of children from the home, and what kind of training would ensure the consistent application of such guidelines? The Secretary should review and compile all current research relevant to this question.

(c) AVAILABILITY OF STUDY RESULTS.—The Secretary shall make the results and recommendations of each study described in subsection (b) available for dissemination.

(d) EFFECTIVE DATE.—This section and the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 28. CHILD WELFARE DEMONSTRATION PROJECTS.

(a) GENERAL PROVISIONS.—

(1) MINIMUM NUMBER OF PROJECTS OF EACH TYPE.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall authorize at least 1 demonstration project to be conducted under each paragraph of subsection (b), and at least 1 demonstration project to be conducted under each clause of subsection (b)(2)(A), during the 4-year period beginning with fiscal year 1995.

(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For demonstration projects approved by the Secretary under paragraph (1), there are authorized to be appropriated to the Secretary not to exceed $15,000,000 for each of fiscal years 1995, 1996, 1997, and 1998.

(b) SPECIFIC TYPES OF PROJECTS.—

(1) EXPEDITIOUS PERMANENT PLACEMENT OF CHILDREN.—

(A) IN GENERAL.—The Secretary may make no more than 3 grants to States or localities to conduct demonstration projects, throughout the State or in areas selected by the State as having the greatest need, designed to—

(i) review statutes, administrative and judicial procedures, and agency legal representation, in effect in the State or locality, that govern determinations of abandonment of children, termination of parental rights, and permanent placement of children, particularly with respect to children abandoned at or shortly after birth;

(ii) assess which of such procedures or laws cause delays in the permanent placement of such children or the consideration of termination of parental rights;

(iii) assess the extent, or lack, of training of judges and child protection service workers on the timelines for determinations involving termination of parental rights or permanent placement of such children;

(iv) assess the provision of (and the impact of providing) coordinated comprehensive social services, particularly in relation to reunification or maintenance of families;

(v) assess the impact of the designation of entities or individuals that have or could be granted standing to initiate placement or termination of parental rights proceedings with respect to children who have been placed under protective care or public supervision;

(vi) assess the extent of the current presence of individuals either employed by a social service agency or a private entity, who are specifically responsible for expediting consideration of the termination of parental rights and permanent placement, particularly with respect to children abandoned at or shortly after birth, and the impact of such individuals on the timelines for such considerations;

(vii) assess the success of programs which concurrently provide planning for, and services to, preadoptive and natural parents; and

(viii) implement new procedures or make other improvements (as determined by the assessments conducted pursuant to this paragraph) that ensure more timely hearing of, and final decisions on, cases involving termination of parental rights and the permanent placement of children, with the goal of substantially reducing the amount of time that elapses from the time the child is removed from a home setting and is permanently placed in a stable adoption placement, including, at the option of the State or locality, improvements that include activities that—

(I) provide additional personnel identified as necessary under any provision of this paragraph to pursue or process cases involving termination of parental rights or expeditious permanent placements;

(II) expand the standing of foster parents and others to bring actions involving the termination of parental rights and permanent placements; and

(III) require certain children to be placed in foster care in homes that are likely to become permanent adoptive homes of such children.

(B) APPLICATION.—Each State or locality desiring to conduct a demonstration project under this paragraph shall submit to the Secretary an application containing—

(i) an assurance that the State or locality will develop and carry out the project jointly with appropriate judicial administrators, and with appropriate agencies of the State or locality that provide services to children abandoned at or shortly after birth; and

(ii) such other information as the Secretary may require by regulation.

(C) APPROVAL OF CERTAIN APPLICATIONS.—

(i) IN GENERAL.—The Secretary shall approve not more than 3 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph, particularly as they relate to changes in the legislative, judicial, and administrative practices with respect to permanent placement and termination of parental rights.

(ii) DISTRIBUTION CRITERION.—In determining whether to approve applications under this paragraph, the Secretary shall ensure that grants under this paragraph are made to applicants whose positions on consideration of parental rights and the termination of such rights reflect the range of statutory and judicial positions taken by States on such matters.

(iii) GRANT PERIOD.—Subject to the availability of appropriations therefor, the Secretary shall make grants under this paragraph for a period of 4 years.

(D) EVALUATIONS; REPORT.—Each State and locality that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(E) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (D).

(F) REVIEW AND EVALUATION BY THE SECRETARY.—The Secretary shall periodically review and evaluate the conduct of each demonstration project conducted under this paragraph.

(G) AUTHORITY TO SUSPEND OR TERMINATE PROJECTS.—Notwithstanding subparagraph (C)(iii), the Secretary may suspend for any period or terminate the authority to conduct a demonstration project under this paragraph, and may discontinue the provision of grants under this paragraph for the project, if the Secretary determines that the project has not been conducted in a satisfactory manner.

(2) CULTURALLY SENSITIVE AND SPECIAL NEEDS CHILD WELFARE WORKER TRAINING DEMONSTRATION.—

(A) IN GENERAL.—

(i) TRAINING TO DELIVER CHILD WELFARE SERVICES IN BORDER REGIONS.—The Secretary shall authorize not more than 3 eligible institutions to conduct demonstration projects to train eligible individuals to deliver culturally sensitive and bilingual child welfare services in areas of the United States that border on Mexico.

(ii) TRAINING TO DELIVER CHILD WELFARE SERVICES TO HISTORICALLY UNSERVED OR UNDERSERVED POPULATIONS IN CERTAIN URBAN CENTERS.—In addition, the Secretary may make no more than 3 grants to eligible institutions to conduct projects to train eligible individuals to deliver culturally sensitive and bilingual welfare services in urban centers which have a high proportion of historically unserved or underserved populations.

(B) APPLICATIONS.—

(i) APPLICATIONS UNDER SUBPARAGRAPH (A)(i).—The Secretary shall approve an application of an eligible institution to conduct a demonstration project under subparagraph (A)(i) for a fiscal year if the Secretary has approved not more than 4 other such applications for the fiscal year and the application meets the following requirements:

(I) HISTORY OF, OR PLAN FOR, TRAINING STUDENTS TO DELIVER CHILD WELFARE SERVICES IN BORDER AREAS.—The application demonstrates that the applicant has a history of, or a plan for, training students to deliver child welfare services in an area of the United States that borders on Mexico.

(II) TRAINING CURRICULUM REQUIREMENTS.—The application describes the curriculum of the training program. Such curriculum must be sensitive to the culture of the area that

borders on Mexico and the State in which the applicant is located, and must include training for the identification of health problems of children and their families and of child abuse and neglect.

(III) SCOPE AND LENGTH OF TRAINING.—The application includes an assurance that the training program meets all requirements established under subparagraph (C) governing the scope and length of the training to be provided.

(IV) PLAN FOR PLACING INDIVIDUALS COMPLETING THE TRAINING IN BORDER AREA FAMILY ASSISTANCE AGENCIES.—The application contains a plan for placing each eligible individual who completes the training under the project in a family assistance agency that provides services directly to residents of the border county in which the agency is located.

(V) COMMITMENT TO CONSULT WITH STATE CHILD WELFARE AGENCY.—The application contains a commitment by the applicant to consult with the child welfare agency of the State in which the applicant is located to ensure that the project is designed to provide individuals with child welfare skills that are needed for work with disadvantaged individuals in the area of the State that borders on Mexico.

(ii) APPLICATIONS UNDER SUBPARAGRAPH (A)(ii).—The Secretary shall approve an application of an eligible institution to conduct a demonstration project under subparagraph (A)(ii) for a period of 4 fiscal years (subject to the availability of funds and satisfactory performance) if the Secretary has not approved more than 4 other applications for such projects and the application meets the following requirements:

(I) The applicant demonstrates that it has a history of, expertise in, and commitment to, providing training for individuals to deliver child welfare services to historically unserved or underserved populations in urban centers.

(II) The applicant describes how the application was developed in consultation with State and local child welfare agencies, community-based organizations serving the area to be affected, and the residents of the area, including public notice and opportunity to comment on the training program to be offered, and a plan for a continuing consultation process with these entities.

(III) The curriculum to be offered includes the broad range of Federal, State, and local programs available to provide services to historically unserved or underserved populations in urban centers, and the identification of health problems in children and their families which may lead to child abuse or neglect and the presence of such conditions.

(IV) The application includes an assurance that the training program meets all the requirements of subparagraph (C) governing the scope and length of the training to be provided.

(V) The application includes a plan for placing each eligible individual who completes the training under the project in a public or private nonprofit family assistance agency that provides services directly to unserved or underserved populations in urban centers with high concentrations of such populations.

(iii) GRANTS SUBJECT TO APPROPRIATIONS.—The Secretary shall make grants for projects authorized under subparagraph (A)(ii) subject to the availability of appropriations therefor.

(iv) REVIEW AND EVALUATION BY THE SECRETARY.—The Secretary shall periodically review and evaluate the conduct of each demonstration project authorized to be conducted under subparagraph (A)(ii).

(v) AUTHORITY TO SUSPEND OR TERMINATE PROJECTS.—The Secretary may suspend for any period or terminate the authority to conduct a demonstration project under subparagraph (A)(ii), and may discontinue the provision of grants under subparagraph (A)(ii) for the project, if the Secretary determines that the project has not been conducted in a satisfactory manner.

(C) TRAINING REQUIREMENTS.—The Secretary, in consultation with the State child welfare agencies of the eligible States, shall develop criteria regarding the scope and length of the training program to be provided under any demonstration project conducted under this paragraph to ensure that training under the program adequately prepares trainees for the work they will perform after completion of the training program. The Secretary shall treat participation in a program leading to a bachelor's or a master's degree in social work as providing such adequate preparation.

(D) GRANTS.—

(i) ALLOCATION AMONG STATES WITH APPROVED PROJECTS.—Each eligible State in which is located an eligible institution whose application to conduct a demonstration project under subparagraph (A)(i) for a fiscal year has been approved by the Secretary shall be allocated for the fiscal year that portion of the funds available to carry out subparagraph (A)(i) for the fiscal year that is represented by—

(I) the number of disadvantaged individuals who, as of the close of the second preceding fiscal year, resided in the border counties of the State; divided by

(II) the total number of disadvantaged individuals who, as of the close of the second preceding fiscal year, resided in the border counties of all such eligible States.

(ii) GRANT AUTHORITY.—The Secretary shall make a grant to each eligible institution that the Secretary authorizes to conduct a demonstration project under subparagraph (A)(i) for a fiscal year in an amount equal to—

(I) the amount allocated for the fiscal year under clause (i) to the State in which the institution is located; divided by

(II) the number of eligible institutions in the State that are so authorized.

(E) USE OF GRANTS.—Each eligible institution that receives a grant under this paragraph—

(i) shall use the grant to equip eligible individuals with the knowledge and skills necessary to perform the range of child welfare work, from case management to supervisory skills; and

(ii) may use the grant to pay the tuition, room and board, travel, and other living expenses of eligible individuals.

(F) DEFINITIONS.—As used in this paragraph:

(i) BORDER COUNTY.—The term "border county" means—

(I) in the State of Texas, the counties of Cameron, Brooks, Hidalgo, Kenedy, Willacy, Jim Hogg, Starr, Webb, Zapata, Duval, La-Salle, Maverick, Dimmit, Zavala, Uvalde, Kinney, Val Verde, Edwards, Crockett, Terrell, Pecos, Brewster, Presidio, Jeff Davis, Reeves, Culberson, Hudspeth, Bexar, and El Paso;

(II) in the State of New Mexico, the counties of Otero, Sierra, Dona Ana, Luna, Hidalgo, Grant, Lea, Roosevelt, Chaves, Eddy, and Lincoln;

(III) in the State of Arizona, the counties of Cochise, Graham, Greenlee, Maricopa, Pinal, Pima, Yuma, La Paz, and Santa Cruz; and

(IV) in the State of California, the counties of Imperial, San Diego, Riverside, and Orange.

(ii) CHILD WELFARE AGENCY.—The term "child welfare agency" means, with respect to a State, the individual or agency that administers or supervises the administration of the State plan for child welfare services under part B of title IV of the Social Security Act.

(iii) DISADVANTAGED INDIVIDUAL.—The term "disadvantaged individual" means an individual whose income does not exceed 130 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size of the individual's family.

(iv) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means any individual who—

(I) is, or intends to become, an employee of a family assistance agency in an eligible State; and

(II) enters into an agreement with an eligible institution in the State under which—

(aa) the institution agrees to train the individual to deliver culturally sensitive and bilingual child welfare services in the area of the United States that borders on Mexico; and

(bb) the individual agrees to so deliver such services at or from a site approved by the child welfare agency of the State for at least 1 year beginning within a reasonable time after the individual completes the training under a project conducted under subparagraph (A)(i), or for a period of 1 year for each year of assistance or training received beginning upon completion of the training under a project conducted under subparagraph (A)(ii).

(v) ELIGIBLE INSTITUTION.—The term "eligible institution" means any institution of higher education that is located in an eligible State.

(vi) ELIGIBLE STATE.—The term "eligible State" means Texas, New Mexico, Arizona, and California.

(vii) FAMILY ASSISTANCE AGENCY.—The term "family assistance agency" means a child welfare agency, family planning agency, hospital, clinic, community mental health facility, or drug and alcohol treatment program.

(viii) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means—

(I) an institution of higher education (as defined in section 1201(a) or 481(a) of the Higher Education Act of 1965); and

(II) an area vocational education school (as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act).

(ix) The term "urban centers" means an area in a metropolitan statistical area, as designated by the Director of the Office of Management and Budget, which has a high incidence of individuals in historically unserved or underserved populations who are in need of social services, as determined by the Secretary using the most recent and best available information. A list of such urban centers shall be published by the Secretary in the Federal Register no more than 180 days after the date of the enactment of this Act.

(x) The term "historically unserved or underserved populations" includes—

(I) minority populations;

(II) persons with limited English proficiency;

(III) populations residing in urban areas and exhibiting a high incidence of child abuse, neglect, or abandonment, as determined by the Secretary;

(IV) homeless persons (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act);

(V) persons who are, or are in danger of becoming, infected with the human immunodeficiency virus; and

(VI) persons who abuse alcohol or drugs.

(G) RECOVERY OF ASSISTANCE IN CERTAIN CASES.—Any individual participating in a project conducted under subparagraph (A) who breaches the agreement referred to in subparagraph (F)(iv)(II) shall repay to the Secretary an amount equal to the amount or value of assistance received by the individual under the project, ratably reduced, if applicable, by a proportion representing that portion of the year during which the individual complied with the agreement. The Secretary shall establish guidelines and repayment schedules to carry out this subparagraph.

(3) JOINT TRAINING DEMONSTRATION.—

(A) IN GENERAL.—The Secretary may make grants under this paragraph, on a competitive basis, to not more than 3 State or local government agencies to conduct demonstration projects designed to test the effect of joint training programs for the staff of child welfare, mental health, and juvenile justice agencies, and for judicial personnel and judges.

(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State or local government agency shall designate a public agency which provides services to children in the State and demonstrate that at least 2 such agencies will participate in the project by contributing financial resources, staff resources, and trainees.

(C) APPROVAL OF CERTAIN APPLICATIONS.—The Secretary shall approve not more than 3 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph.

(D) USE OF GRANT.—Each State or local government agency that receives a grant under this paragraph shall use the grant to train staff (including supervisors) of public and private agencies who provide services to children or adolescents at risk of requiring foster care or to the families of such children or adolescents. Such training shall be designed to—

(i) educate staff about the special needs of, and service programs for, certain populations of children or adolescents, such as those who have been sexually abused, suffer from serious emotional disturbances, are substance abusers, have acquired immune deficiency syndrome, or are infected with a human immunodeficiency virus;

(ii) coordinate the interagency delivery of services (including family preservation services, family reunification services, independent living services, and supportive services) to children at risk of being placed in foster care; and

(iii) provide training for judges or other administrative personnel, who are authorized to make final determinations as to termination of parental rights or placement of children in either temporary or permanent situations, to determine and incorporate into their decisions factors relating to the physical, mental, and social interests of the child.

(E) EVALUATIONS; REPORT.—Each State or local government agency that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the training provided under the project, and shall submit to the Secretary a report on such evaluation.

(F) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (E).

(c) FOSTER CARE AND ADOPTION ASSISTANCE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary may authorize not more than 5 States to conduct demonstration projects designed to test, for not more than 6 years, the feasibility of eliminating the requirements in sections 472 and 473 of the Social Security Act that relate to the income and resources of the child or of the family from which a child originated, and allowing States to receive reimbursement for foster care maintenance payments and for adoption assistance payments made with respect to children without regard to such income and resources.

(2) APPLICATION.—Each State desiring to conduct a demonstration project under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

(3) AGREEMENT ON FEDERAL MATCHING PAYMENTS AND STRATEGY FOR EVALUATION.—

(A) IN GENERAL.—As a condition precedent to approving any application to conduct a demonstration project under this subsection, the Secretary and the State shall reach agreement on—

(i) the rates at which the various types of expenditures under the project shall be reimbursed, in lieu of the rates at which such expenditures would otherwise be reimbursed under section 474 of the Social Security Act; and

(ii) a strategy for evaluating the effects of the project.

(B) LIMITATION.—The Secretary may not agree to any set of reimbursement rates under subparagraph (A)(i) of this paragraph, unless the Secretary determines that the set of rates is likely to result in an amount of Federal payments to the State under section 474 of the Social Security Act that does not exceed the amount that would have been so paid to the State if the State were not conducting the demonstration project.

(4) APPROVAL OF CERTAIN APPLICATIONS.—

(A) IN GENERAL.—The Secretary shall approve not more than 5 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this subsection.

(B) PROJECT LIFETIME.—

(i) 3 YEARS.—Each agreement under paragraph (3) shall be for a term of 3 years.

(ii) AUTHORITY TO RENEW PROJECT FOR 3 YEARS.—Upon the request of the State, the Secretary shall extend for 3 additional years the term of any agreement under paragraph (3).

(5) EVALUATIONS; REPORT.—Each State that conducts a demonstration project under this subsection shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(6) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to paragraph (5).

SEC. 29. DEMONSTRATION OF INDEPENDENT LIVING SERVICES FOR YOUNG ADULTS.

(a) IN GENERAL.—The Secretary of Health and Human Services may authorize 1 State to conduct a demonstration project for 3 years under which—

(1) community-based services are provided to former foster children who have attained the age of 21 years but have not attained the age of 25 years; and

(2) the State must arrange for an evaluation of the impact of the demonstration project on the well-being of the individuals who participate in the project.

(b) SERVICES.—The services referred to in subsection (a) may include self-help groups, counseling, treatment for survivors of abuse, mentoring, alumni groups, and coordination of, and referral to, community services by independent living agency staff.

SEC. 30. HOME REBUILDERS DEMONSTRATION PROJECT.

(a) IN GENERAL.—Upon written application of the State of New York (in this section referred to as the "State"), and after the Secretary of Health and Human Services approves the application as meeting the requirements set forth in subsection (b), the State may conduct a demonstration project for the purpose of testing how to enhance the practices and procedures that will expedite the discharge of children from foster care, including the appropriate reunification of children with their families, or the adoption of children by suitable adoptive parents.

(b) PROJECT REQUIREMENTS.—In an application submitted under subsection (a), the State shall provide that the following terms and conditions shall be in effect under the demonstration project:

(1) Services and assistance for reunification of children with their families or adoption may be provided to not more than 2,000 eligible children (exclusive of siblings).

(2) Services and assistance shall be provided to explore and test innovative means to facilitate expedited and appropriate discharge of children from foster care. Such services and assistance may include social services and other forms of assistance designed to ameliorate or remedy personal problems, behaviors, or home conditions.

(3) For the purpose of testing an alternative to the per diem method of provider reimbursement, payments to participating agencies for total costs associated with providing foster care maintenance, services, and assistance on behalf of children will be disbursed pursuant to an approved per capita reimbursement methodology. The per capita payment will be based on the total number of care days the eligible population of children can reasonably be expected to use during the demonstration period.

(4) Eligibility for the demonstration project shall be based on the age of the child, the length of time in foster care, the type of placement, and the permanency planning goal.

(5) If an eligible child has siblings in foster care, siblings may be regarded as eligible project participants for the purpose of estimating total reimbursements in a manner approved by the Secretary of Health and Human Services.

(6) The Federal Government shall pay to the State with respect to children eligible for the demonstration project who are receiving maintenance payments, services, and assistance under the demonstration project the same amounts as would have been payable with respect to such children under parts B and E of title IV of the Social Security Act as if the families were receiving benefits under the State plan in effect during the period of the demonstration and such amounts shall be in lieu of amounts otherwise payable under such parts. The State and the Secretary of Health and Human Services shall agree to a methodology for determin-

ing such amounts prior to the beginning of the demonstration project.

(c) WAIVERS.—The Secretary of Health and Human Services may waive compliance with requirements in part E of title IV of the Social Security Act (other than paragraphs (8), (12), (13), (15), and (16) of section 471(a)) which (if applied) would prevent the State from carrying out the demonstration project under this section or prevent the State from effectively achieving the purpose of such a project.

(d) DATE OF COMMENCEMENT.—The demonstration project under this section shall commence not later than December 31, 1994.

(e) DURATION OF DEMONSTRATION.—The demonstration project under this section shall be conducted for a period not to exceed 3 years after the date such project begins.

(f) EVALUATION OF REPORTS.—The State shall collect data and conduct an appropriate evaluation of the demonstration project so as to demonstrate the effectiveness of the project. The evaluation design shall be approved by the Secretary of Health and Human Services. The State shall provide an interim and final evaluation report to the Secretary of Health and Human Services at such times and in such manner as such Secretary determines appropriate.

(g) PROHIBITION AGAINST IMPAIRMENT OF ENTITLEMENT TO FOSTER CARE BENEFITS.—The State may not carry out the demonstration project under this section in a manner which impairs the entitlement of any qualified child to foster care benefits under a State plan approved under part E of title IV of the Social Security Act.

SEC. 31. COMMISSION ON CHILDHOOD DISABILITY.

(a) ESTABLISHMENT OF COMMISSION.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall appoint a Commission on the Evaluation of Disability in Children (in this section referred to as the "Commission").

(b) APPOINTMENT OF MEMBERS.—(1) The Secretary shall appoint 15 members to the Commission, including—

(A) recognized experts in the field of medicine, whose work involves—

(i) the evaluation and treatment of disability in children,

(ii) the study of congenital, genetic, or perinatal disorders in children, or

(iii) the measurement of developmental milestones and developmental deficits in children; and

(B) recognized experts in the fields of—

(i) psychology,

(ii) education and rehabilitation,

(iii) law, or

(iv) the administration of disability programs, and

(v) other fields of expertise that the Secretary determines to be appropriate.

(2) Members shall be appointed within 90 days after the date of the enactment of this Act, without regard to the provisions of title 5, United States Code, governing appointments to competitive service.

(3) Members appointed under this subsection shall serve for a term equivalent to the duration of the Commission.

(4) The Secretary shall designate a member of the Commission to serve as Chairman of the Commission for a term equivalent to the duration of the Commission.

(c) ADMINISTRATIVE PROVISIONS.—(1) Service as a member of the Commission by an individual who is not otherwise a Federal employee shall not be considered service in an appointive or elective position in the Federal Government for the purposes of any provision of title 5, United States Code.

(2) Each member of the Commission who is not a full-time Federal employee shall be paid compensation at a rate equal to the daily equivalent of the rate of basic pay in effect for Level IV of the Executive Schedule for each day (including travel time) the member attends meetings or otherwise performs the duties of the Commission.

(3) While away from their homes or regular places of business on the business of the Commission, each member who is not a full-time Federal employee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(d) ASSISTANCE TO COMMISSION.—The Commission may engage such technical assistance from individuals skilled in medical and other aspects of childhood disability as may be necessary to carry out the functions of the Commission. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out the functions of the Commission.

(e) STUDY BY THE COMMISSION.—(1) The Commission shall conduct a study, in consultation with the National Academy of Sciences, of the effects of the definition of "disability" under title XVI of the Social Security Act (42 U.S.C. 1382 et seq.) in effect on the date of enactment of this Act, as such definition applies to determining whether a child under the age of 18 is eligible to receive benefits under such title, the appropriateness of such definition, and the advantages and disadvantages of using any alternative definition of disability in determining whether a child under age 18 is eligible to receive benefits under such title.

(2) The study described in paragraph (1) shall include issues of—

(A) recommendations for revision of the Childhood Listing of Impairments under regulations promulgated under Part B of Appendix 1 to Subpart P, section 404 of title 20, Code of Federal Regulations;

(B) the validity of a presumption of disability for children under age 4 with a genetic, congenital, or perinatal disorder;

(C) whether the need by families for assistance in meeting high costs of medical care for children with serious physical or mental impairments, whether or not they are eligible for disability benefits under title XVI of the Social Security Act, might appropriately be met through expansion of Federal health assistance programs (including the program of medical assistance under title XIX of such Act); and

(D) such other issues that the Secretary determines to be appropriate.

(f) REPORT.—Not later than September 1, 1995, the Commission shall prepare a report and submit such report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate which shall summarize the results of the study described in subsection (e) and include any recommendations that the Commission determines to be appropriate.

(g) TERMINATION OF COMMISSION.—The Commission shall terminate on September 30, 1995.

SEC. 32. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

(a) IN GENERAL.—Part A of title XI (42 U.S.C. 1301–1320b–13) is amended by inserting after section 1122 the following:

"SEC. 1123. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

"In an action brought to enforce a provision of this Act, such provision is not to be deemed unenforceable because of its inclusion in a section of this Act requiring a State plan or specifying the required contents of a State plan. This section is not intended—

"(1) to limit or expand the grounds for determining the availability of private actions to enforce State plan requirements other than by overturning any such grounds applied in *Suter v. Artist M.*, 112 S. Ct. 1360 (1992), but not applied in prior Supreme Court decisions respecting such enforceability, or

"(2) to alter the holding in *Suter v. Artist M.* that section 471(a)(15) of this Act is not enforceable in a private right of action."

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to actions pending on the date of the enactment of this Act and to actions brought on or after such date of enactment.

COMPREHENSIVE FAMILY PRESERVATION AND CHILD PROTECTION REFORM

The most important and comprehensive legislation in over a decade to address the nation's grave child abuse crisis will be considered by the 103rd Congress. It targets substantial new investments in cost effective programs to help abused and neglected children and strengthen troubled families. Developed after careful review of the nature and extent of child abuse and neglect, it would:

Target investments to strengthen families and prevent child abuse.

Substantial new resources would be invested in the federal Child Welfare Services program (Title IV-B of the Social Security Act) for the in-home family support, family preservation, reunification and respite services that strengthen families and help them to overcome problems and care for their children. The new funds would be guaranteed to the states through a capped entitlement component to the IV-B program.

Target investments in substance abuse prevention and treatment services.

Growing parental substance abuse is increasingly contributing to family disintegration and to child abuse, neglect, and abandonment, yet virtually no substance abuse treatment services are available for pregnant women and mothers. Additional Title IV-B capped entitlement funds would be provided for comprehensive substance abuse prevention and treatment programs for pregnant women, mothers and their children. Funds would also support the child care, transportation, home visiting, nutrition, and counseling services essential for effective treatment.

Improve foster care and adoption services for abused and neglected children.

An increasing number of children who have been severely abused, neglected, abandoned or orphaned are in need of the support and treatment that family foster care, kinship care, group care, residential services, or adoption can provide. Yet while over 400,000 children now live in out-of-home care, only about half are eligible for federal support or assistance, and little help is provided to caregivers. The legislation would make numerous improvements in the Title IV-E Foster Care and Adoption Assistance (and Independent Living) program to assure additional support for children, and provide respite care and other assistance to foster and adoptive parents.

Improve child welfare training, coordination, data collection, and research efforts.

The child welfare system has been overwhelmed and seriously damaged by sky-

rocketing caseloads and meager federal support. The legislation would support efforts to strengthen child welfare training; demonstrate innovative services; improve research, evaluation, and data collection; and improve the overall coordination and delivery of child welfare services.

Promote state and local flexibility and public-private partnerships.

The legislation would provide states with broad flexibility in the use of increased federal support and assistance, while assuring overall accountability. In addition, the legislation fully supports a strong partnership between public agencies and private non-profit providers.•

• Mr. BOND. Mr. President, we are all familiar with the African proverb "It takes a village to raise a child." And certainly we are all a critical part of the larger community—the village—which is raising our children.

And, while the village is terribly important, I think each and every one of us would agree that the main responsibility for the cultivation of character and personality, and of bringing a child from infancy to maturity, rests with the parents of the child rather than the village.

I have fought hard for programs and policies which benefit families in need throughout my 20-year career in public service. While Governor of Missouri, I fought hard to expand access to prenatal care for low-income pregnant women, and for the WIC Program. I also pushed hard for the Parents as Teachers Program, which we finally got done in my last year. The program now provides guidance to over 100,000 Missouri parents of children from birth to 3. I also implement a special needs adoption campaign.

Since coming to the Senate, I have fought hard to provide Federal seed money to Parents as Teachers Programs throughout the country. I fought to be sure that the needs of latchkey children were taken into account during the child care debate. And most recently I teamed up with Senator DODD in providing a workable family and medical leave compromise.

And the reason that I have fought hard for programs and policies which strengthen the family unit is that I believe a great conservative case can be made for each of the above programs: strengthening and preserving families. Certainly many of the problems facing society today can be attributed to the weakening of the American family.

We are living in a society which glamorizes violence and promiscuous sex, in which children must go to schools which resemble war zones rather than places of learning, in which younger and younger teenagers become pregnant at an ever-increasing rate, and in which almost all children spend less time with their parents than ever before.

Some great thinkers have concluded that we are facing a spiritual deficit greater than any material deficit. And I believe this may be true. If it is true, it is something that Government can't fix.

But I am here today because there are plenty of things that Government can do to reinforce the natural bonds between parents and children, and to strengthen and preserve the family unit.

It is in the interest of all of us—of any political party or no political party—to keep families strong. We have a unique opportunity to forge a bipartisan consensus on children and family issues in this Congress. We have just enacted a family leave law—about 40 days ago. I plan to continue to build bipartisan momentum for family issues, much like we did for family leave. Today Senator ROCKEFELLER and I and several others are introducing the child protection reform bill [CPR].

This bill will provide additional funds for title IV—B of the Social Security Act, which funds innovative alternatives to foster care for children and families in crisis situations. We spend billions of dollars per year placing children outside their homes and families in foster care. In cases of extreme abuse and neglect, this is necessary. However, often the family is simply facing a crisis too big to handle on its own: loss of a job; illness; inadequate housing or homelessness, or a lack of parenting skills. In these cases it makes far more sense to do what Missouri is doing: family preservation services. The family in crisis is given 1 to 2 months of intensive counseling and assistance, and we in Missouri have found that in 85 percent of cases, this is enough to keep the family together.

We have a number of success stories in Missouri which show the value of the program. A single mother named Linda and her family were referred for family preservation services at a time when her children were at risk of being removed from the home due to unsafe living conditions. The roof over the kitchen was falling in. A pole was used to keep the major structural beams from collapsing. The condition on the home was also causing health problems for the children. Linda's ex-husband owned the house and refused to make any repairs. The family's income came from AFDC. Linda wasn't able to accumulate enough money to move into a different home.

The family preservation specialist was able to help Linda locate new housing through HUD. The specialist assisted Linda in negotiating a payment schedule for the rental deposit with her new landlord. Once Linda and her children were in their new home Linda felt more independent and in better control of her situation. Thus one family was able to avoid the emotional pain of being split up, and the State of Missouri saved a great deal in averted foster care costs.

Missouri now offers family preservation to about one-third of its families who are threatened with their children being taken away. My State has a goal of serving one-half of its families in this way.

The only way Missouri will be able to do this is if we pass this legislation providing additional funds for title IV–B.

This bill would also provide additional funding for desperately needed substance abuse prevention and treatment services for pregnant women and young mothers. You in the child welfare community know better than anyone that one of the main reasons for increased abuse and neglect over the last decade has been crack cocaine. This bill would provide funding for treatment, as well as for the child care, transportation, and home visiting services necessary for effective treatment.

Our hearts go out to all young children in need. But I believe we must pay more attention to young children who are in danger of losing what is to them even more precious than food, shelter or health care: their families.

I urge my colleagues' support of this measure.•

By Mr. BOREN:

S.J. Res. 65. Joint resolution establishing a commission to study the creation of a standing international military force under the United Nations Charter; to the Committee on Foreign Relations.

U.N. PEACEKEEPING FORCE COMMISSION ACT OF 1993

• Mr. BOREN. Mr. President, I am introducing today a joint resolution relating to the peacekeeping role of the United Nations. Last August, Senator BIDEN and I urged the President to initiate negotiations with the United Nations about the creation of a standing multinational peacekeeping force. Since that time, this proposal has gained wide currency, within the administration and among outside experts as well.

Mr. President, the bloody ethnic conflicts unleashed in Bosnia and Somalia since the end of the cold war have put enormous pressure on the United States to act, to intervene, to stop the senseless violence. America does have some responsibility to help. But we have neither the obligation nor the capacity to act alone.

The opportunity for the United Nations is clear. After 45 frustrating years, the United Nations has the chance to finally fulfill its original mission: to provide, in the absence of great power confrontation, a truly effective mechanism for collective security.

Under Article 43 of the U.N. Charter, Mr. President, the Secretary General has the authority to ask member nations to designate military units that can be deployed to "maintain international peace and security." It is time to make that authority a reality. It is

time for the United States to push the United Nations to establish a multinational standing army.

Imagine such a force, Mr. President, the troops from around the world, training together, establishing lasting ties and sharing common experiences and purposes. As the New York Times has written, a blue-helmeted army is "the most promising way to contain chaos and combat death" in this new era of regional wars, ethnic conflicts, and the proliferation of weapons of mass destruction.

Critics may immediately complain about the inefficiency of the United Nations. They may fear that America will be yielding sovereignty. They may argue, in effect, for a new American isolationism. Let me address each of these arguments in turn.

First, it is true that the United Nations as an institution is in need of serious reform. No one will dispute that today, at the height of its global peacekeeping activity, the bloated U.N. bureaucracy is under great strains. But this argues not for disengagement, but for more effective involvement of the United States, using our influence to effect long-needed reforms at the United Nations.

The second argument, that America will yield sovereignty to the United Nations, is provocative but groundless. Let us not forget that the United States retains veto power at the U.N. Security Council. There is simply no circumstance under which American forces would be involved in a U.N. peacekeeping or peacemaking operation without American approval.

The third argument is perhaps the most pernicious. It is rarely stated in so many words, but the argument essentially is that America must withdraw, that we must retreat. No policy, Mr. President, could be more dangerous today, when our economic wellbeing and national security are so dependent upon developments outside our borders.

It is true—and I believe strongly—that our allies must share more of the burden of maintaining international peace and security. To borrow a well-worn phrase, we cannot be the world's policeman. That is good cause, however, to become more engaged in collective security efforts, to rely more on the United Nations, to make sure that American men and women are not the only ones to put their lives on the line for international peace. We cannot bury our heads in the sand and hope that ethnic conflicts, proliferation, terrorism, and other threats will just go away.

I would note that for this very reason, Mr. President, the Secretary of State, and the Ambassador to the United Nations have each expressed their support for the creation of a U.N. Rapid Deployment Force. What they are envisioning here, Mr. President, is not at all unlike the kind of international peacekeeping force authorized under Article 43.

At this point, however, we have been dealing only in generalities about possibilities for—and obstacles to—the establishment of such a force. The resolution I am introducing today would move us from rhetoric to real issues. It would create a short-term commission to evaluate and recommend the practical steps that would be necessary for the United States to participate in an Article 43 force. The commission will study such issues as cost, logistics, training, standardization of equipment, and intelligence sharing. In addition, it will study war powers issues raised by the creation of such a force.

The commission, Mr. President, will be comprised of 14 members: the Secretary of Defense, the Secretary of State, the Director of Central Intelligence, the National Security Adviser, the U.N. Ambassador, three outside experts appointed by the President, three Members of the House, and three Members of the Senate. The National Security Adviser will chair the commission. It will make its report 120 days after it first meets, and it will be dissolved within 10 days after it issues its report.

This is not a new and unnecessary layer of bureaucracy, Mr. President. It is a mechanism which will allow the administration to focus on the risks, realities, and technical issues raised by American participation in an article 43 peacekeeping force.

Implicit in my introduction of this joint resolution, Mr. President, is my strong continued support for the creation of such a military force. I believe that this proposal deserves a fair and informed hearing. And I expect that the commission we will create with this joint resolution will help us toward that end.

Mr. President, the headlines every day seem to tell us of a new conflict, a new challenge for U.N. peacekeepers, a new request for American military intervention. We have now an historic and fleeting opportunity to fulfill the promise of the United Nations. We in the Senate need not freeze ourselves between the false and unappealing choices of doing nothing or going in alone when regional crises flare up. We have another option: Let us help the United Nations help us in the long run, by carrying more of the load. Let us allow the United Nations to become a truly effective multinational alternative.

Of course, Mr. President, even in this new era of multilateral action, American leadership is still absolutely necessary. America must lead the United Nations into the 21st century. The reality is that an article 43 force will simply never come to pass unless the President of the United States initiates consulations and negotiations for that purpose. And the President will only do that if he is well-informed about all elements of such an initiative. This resolution, in its small way, will help our President. It will help the United Nations. And it will help all of us move one more step toward making the "new world order" more than just a slogan.●

By Mr. THURMOND (for himself and Mr. BAUCUS):

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. THURMOND. I rise to introduce a joint resolution to designate the week beginning April 18, 1993, and the week beginning April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

Mr. President, by highlighting the importance of organ and tissue donations, this resolution could literally save the lives of many of our fellow citizens. Thousands of lives have been lost simply because those who may have donated organs and tissues were never aware that they could.

At any given time, there are 30,000 adults and children waiting for organ and tissue donations. Approximately, every 20 minutes a new patient is added to the national patient waiting list for an organ transplant. There is an adequate supply of transplantable organs. We simply need to make our citizens aware of the importance of organ and tissue donations.

We should encourage our citizens to decide now, whether, in the event of a future tragedy, they are willing to be a donor. This will inevitably lessen the burden on the family when asked by the medical profession if they may allow a particular organ or organs to be removed for transplantation. Although this decision is frightening to many people, these vital organs and tissues could be used to give the gift of life.

Mr. President, I urge my colleagues to join me in support of this worthy measure, and I ask unanimous consent that a copy of the resolution appear in the CONGRESSIONAL RECORD following my remarks.

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

S.J. RES. 66

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning

April 18, 1993, and April 17, 1994, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

By Mr. SHELBY:

S.J. Res. 67. Joint resolution proposing an amendment to the Constitution of the United States which requires—except during time of war and subject to suspension by the Congress—that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

• Mr. SHELBY. Mr. President, I rise today to introduce a joint resolution that proposes an amendment to the Constitution of the United States to require a balanced budget.

I am reminded of a story I heard once about a little boy growing up on a farm. This little boy would watch with great anticipation as the hens on the farm would nest their eggs until they were ready to hatch. One day the boy went out to the hen's nest and saw that the eggs were hatching. The little chicks were struggling and pecking their way out of the shells. The boy's heart was moved and he thought he ought to help those little chicks out of the shells. But then a terrible thing happened: All of the chicks from the shells that the boy opened died. When the boy told his mother what happened, she warned him that the struggle to get out of the shell is what made the chicks strong enough to survive once they made their way out of the shells.

I believe that this story reflects the state of the Nation with respect to the budget deficit. We are shelled in by an enormous debt. There is serious long-term work to do to break through that shell, if we are going to be economically strong and sound enough to survive the future. The policies of the past—the short-term, easy way out solutions are making us economically weak.

The deficit continues to soar. The resulting high interest rates make us more and more reliant on foreign investment and widespread ownership of U.S. assets. As long as this trend continues, the deficit will continue to drain our economy and cheapen the value of the dollar and American goods and service. This being the case, I believe that the Nation's deficit problem must be our No. 1 domestic priority.

I join the administration in its call to the Nation to rally and sacrifice in order to bring down the huge debt Goliath confronting us and put our economy back on track. However, the President and I differ on the best way to realize that goal.

I am on the side of tackling the deficit first, making it our priority. We in Congress must demonstrate our commitment to fiscal responsibility and deficit reduction. What better way to do that than to amend the Constitution to require a balanced budget?

I first introduced a balanced budget amendment resolution as a Member of the House of Representatives in 1978. At that time, Mr. President, the Federal debt was less than $1 trillion. That was a great deal of money, but nothing compared to the current national debt. The Federal budget is currently in the red by $341 billion and the national debt is nearly $4.5 trillion.

The time for a constitutional balanced budget amendment is long overdue. The Executive Office has not submitted on balanced budget in the last 10 years; Congress never seems to be able to agree on where to cut spending; and increasing statutory restraints on the budget have been imposed by law, but deficit spending continues to spiral out of control.

If Congress is unable to control spending or to agree on how funds should be appropriated on its own, then a constitutional amendment is the best way to ensure that the budget will be balanced despite our differing opinions and needs.

The legislation that I am introducing provides that total Federal expenditures during any fiscal year will not exceed the amount of estimated revenues for that year and not exceed 20 percent of the gross national product during the previous calendar year. This would not apply in war time and is subject to suspension by the Congress.

Mr. President, we have heard a great deal over the last year and in recent weeks about investing—investing in America's future. Well, it is time for Congress to make a real investment for the future generations of Americans by passage of a joint resolution requiring a balanced budget. A balanced budget amendment is our most secure investment for the future.

I, along with the other Members of this distinguished body, will continue to support programs that are vital to the well being of the American people. But, unlike in the past, there will be constitutional requirements in place to force final cuts and keep spending within our means.

I urge my colleagues to support passage of this important resolution.•

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. ROTH, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 67

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 97

At the request of Mr. HARKIN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 97, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 177

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 208

At the request of Mr. BUMPERS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 277

At the request of Mr. SIMON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 297

At the request of Mr. STEVENS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. LOTT], the Senator from New York [Mr. D'AMATO], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 342

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 356

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986 to replace the possession tax credit with a wage-based employment tax credit.

S. 366

At the request of Mr. EXON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 366, a bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

S. 409

At the request of Mr. GLENN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 409, a bill to extend the terms of various patents, and for other purposes.

S. 411

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 411, a bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels.

S. 414

At the request of Mr. METZENBAUM, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 414, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 416

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. GORTON] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 418

At the request of Mr. DANFORTH, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 418, a bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie.

S. 424

At the request of Mr. DODD, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 424, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 458

At the request of Mr. SMITH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 458, a bill to restore the Second Amendment Rights of all Americans.

S. 479

At the request of Mr. DODD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 481

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes.

S. 527

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 527, a bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device.

S. 579

At the request of Mr. SMITH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 579, a bill to require Congress to comply with the laws it imposes on others.

SENATE JOINT RESOLUTION 38

At the request of Mrs. KASSEBAUM, the names of the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. AKAKA], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 38, a joint resolution designating March 20, 1993, as "National Quilting Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from West Virginia [Mr. BYRD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. STEVENS], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. SASSER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week."

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. DECONCINI], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers [CIOR], commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from California [Mrs. FEINSTEIN], the Senator from Maryland [Mr. SARBANES], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors 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.

SENATE RESOLUTION 80—RELATIVE TO THE SELECT COMMITTEE ON ETHICS

Mr. SIMON submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 80

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 24, 1964, is amended to read as follows: "(a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the 'Select Committee') consisting of 6 former Members of the Senate, of whom 3 shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. The Select Committee shall select a chair and a vice chair from among its members. Members of the Select Committee shall be entitled to a per diem of $400 plus travel expenses while serving on the Select Committee.".

(b) Subsection (e) of the first section of Senate Resolution 338, agreed to July 24, 1964, is repealed.

(c) The amendments made by this resolution shall take effect on May 1, 1993.

Mr. SIMON. Mr. President, today I am introducing legislation that would eliminate the current Ethics Committee and, in its place, establish a committee of former Members of the Senate.

The Senate Ethics Committee was established in 1964, and while, since then, we have made changes in the Senate Code of Conduct, which the committee oversees, we have made no changes in the way the committee is formed. This, despite increasingly justified criticism of the inability of Members to sit in impartial judgment on their colleagues.

I believe it is time to look for an alternative to our present system, a system that is doing nobody any good—neither Member nor those with grievances against a Member. Under my legislation, the majority leader and the minority leader would each appoint three former Members of the Senate to sit on the Ethics Committee. These former Members would bring distance and the absence of conflicts of interest; at the same time, they will bring an understanding of both the role of a Senator and the legislative and electoral process.

We must address the valid concerns raised about our current Ethics Committee structure. This proposal offers one constructive alternative; there are others out there as well. I urge my colleagues to take at look at these proposals so we can begin the process of reform.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT OF 1993

DOLE AMENDMENT NO. 85

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes; as follows:

Strike everything from page 13, line 1, to page 21, line 11, and insert the following:

SEC. 8. PROGRAMS FOR ASSURING ACCURATE AND CURRENT OFFICIAL VOTER REGISTRATION LISTS IN STATES THAT REQUIRE REGISTRATION.

(a) IN GENERAL.—Each covered State shall establish uniform and nondiscriminatory programs to assure that official voter registration lists are accurate and current.

(b) PROGRAM BASED ON OFFICIAL INFORMATION RELATING TO DEATH, ETC. OF A VOTER.—Each covered State shall establish a program under which the head of each State agency that, in the normal course of business, receives information indicating that (because of death, criminal conviction, or mental incapacity) the name of a voter should be removed from the official voter registration list under State law, shall transmit that information to the appropriate State election official.

(c) PROGRAM FOR SYSTEMATIC REVIEW OF RESIDENCE ADDRESSES ON OFFICIAL VOTER REGISTRATION LISTS BY MEANS OF NONFORWARDABLE AND FORWARDABLE FIRST CLASS MAILINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and in subsection (d), each covered State shall establish a program under which, at least once in each 4-year period, residence addresses on official voter registration lists are reviewed by sending verification notices to registered voters in accordance with this subsection.

(2) EXCEPTION FOR RECENT VOTERS.—A covered State may provide that a program established under paragraph (1) does not require any action with respect to a voter who voted in the last general election for Federal office held before the first verification notices for the 4-year period are mailed under the program.

(3) FIRST VERIFICATION NOTICE.—The first verification notice shall be sent to the voter, by nonforwardable first class mail, at the mailing address shown on the official voter registration list. If the first verification notice is not returned as nondeliverable by the Postal Service, no further action is required under this subsection.

(4) SECOND VERIFICATION NOTICE.—If a first verification notice under paragraph (3) is returned nondeliverable by the Postal Service, the appropriate State election official shall send a second verification notice to the voter. The second verification notice—

(A) shall be sent to the voter, by forwardable first class mail, at the mailing address shown on the official voter registration list;

(B) shall state that, if the voter does not provide a current residence address to the appropriate State election official, the name of the voter will be transferred from the official voter registration list; and

(C) shall include a postage paid return form for the voter to use to provide address correction.

(5) TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST AFTER FAILURE TO RESPOND TO SECOND VERIFICATION NOTICE.—If a voter does not provide a current residence address within 30 days after the second verification notice is mailed under paragraph (4), the appropriate State election official shall transfer the name of the voter from the official voter registration list.

(6) PUBLIC INFORMATION.—As part of the program under this subsection, each covered State shall furnish information to the public to promote a maximum awareness of the program among voters.

(d) ALTERNATIVE PROGRAM FOR AUTOMATIC UPDATING OF OFFICIAL VOTER REGISTRATION LISTS THROUGH USE OF CHANGE OF ADDRESS INFORMATION FROM THE POSTAL SERVICE.—

(1) IN GENERAL.—In lieu of a program provided for under subsection (c), a covered State may establish, within respect to any geographical voting unit, a program for automatic updating of official voter registration lists through use of change of address information supplied by the Postal Service. A program under this subsection—

(A) shall be conducted in accordance with State law and in cooperation with the Postal Service; and

(B) shall provide for updating of all official voter registration lists in the geographical voting unit at least once in each 2-year period.

(2) UPDATING OF OFFICIAL VOTER REGISTRATION LIST IN CASE OF LOCAL CHANGE OF ADDRESS; NOTICE TO VOTER.—If the change of address information from the Postal Service shows that the residence address of a voter—

(A) is different from the residence address shown on the official voter registration list; and

(B) is an address for a location within the same geographical voting unit as the residence address shown on the official voter registration list;

the appropriate State election official shall update the official voter registration list for the geographical voting unit in accordance with the information supplied by the Postal Service and shall so notify the voter. The notice under this paragraph shall be sent by forwardable first class mail and shall include a postage paid return form for the voter to use to provide address corrections.

(3) NOTICE TO VOTER OF POSSIBLE TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST IN CASE OF CHANGE OF RESIDENCE ADDRESS OUTSIDE THE GEOGRAPHICAL VOTING UNIT.—If the change of address information from the Postal Service shows that the residence address of a voter—

(A) is different from the residence address shown on the official voter registration list; and

(B) is an address for a location that is not in the same geographical voting unit as the residence address shown on the official voter registration list;

the appropriate State election official shall send a notice to the voter, stating that the name of the voter is subject to transfer from the official voter registration list for the geographical voting unit. The notice under this paragraph shall be sent by forwardable first class mail.

(4) TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST AFTER FAILURE TO RESPOND TO NOTICE.—If, within 30 days after the notice is mailed under paragraph (3), a voter does not provide information (by use of the postage paid form or as otherwise permitted by State law) to show that the residence address of the voter is within the same geographical voting unit as the residence address shown on the official voter registration list, the appropriate State election official shall transfer the name of the voter from the official voter registration list for the geographical voting unit.

(e) VOTING PROCEDURES FOR PERSONS WHOSE NAMES ARE TRANSFERRED FROM THE OFFICIAL VOTER REGISTRATION LIST.—

(1) IN GENERAL.—At each polling place for an election for Federal office, the appropriate State election official shall maintain a record of the names transferred from the official voter registration list for that polling place during the 4-year period before the election, together with a statement of the reason for each transfer. Any individual who asserts that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote under paragraph (2) or (3), as applicable.

(2) INDIVIDUAL WITH DOCUMENTARY PROOF.—An individual who is otherwise eligible to vote and who has documentary proof (as determined under State law applied uniformly throughout the State) that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote without restriction or condition.

(3) INDIVIDUAL WITHOUT DOCUMENTARY PROOF.—An individual who is otherwise eligible to vote and who does not have documentary proof (as determined under State law) that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote in accordance with a special procedure, to be provided for under State law and to be applied uniformly throughout the State. The procedure—

(A) shall preserve the secrecy and security of the ballot;

(B) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(C) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

(f) NO CHANGES TO OFFICIAL VOTER REGISTRATION LISTS PERMITTED IMMEDIATELY BEFORE AN ELECTION.—No change to an official voter registration list may be made under a program established pursuant to this section during—

(1) the period beginning 60 days before a general election for Federal office and ending on the date of the election; or

(2) the period beginning 60 days before a primary election relating to a general election for Federal office and ending on the date of the primary election.

(g) RECORD OF NAMES TRANSFERRED.—The State election official who maintains an official voter registration list for a geographical voting unit shall keep a separate record of the names that are transferred from such list under any program established pursuant to this section, together with a statement of the reason for each transfer. The record of names transferred shall be made available for public inspection and for copying (at the expense of the person requesting the copy).

SEC. 9. SPECIAL PROCEDURE FOR VOTING IN STATES THAT REQUIRE REGISTRATION IF THE REGISTRATION OF AN INDIVIDUAL CANNOT BE VERIFIED ON ELECTION DAY.

If, in a covered State, on the day of an election for Federal office, the appropriate State election official cannot verify the registration of an individual who claims to be registered, the individual shall be permitted to vote in accordance with a special procedure, to be provided for by State law. The procedure—

(1) shall preserve the secrecy and security of the ballot;

(2) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(3) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

SEC. 10. ADMINISTRATION OF VOTER REGISTRATION IN STATES THAT REQUIRE REGISTRATION.

In the administration of voter registration for elections for Federal office, each covered State—

(1) shall assure that any eligible applicant is registered to vote in the election, if, not later than 30 days before the date of the election (or such shorter period as may be provided for under State law)—

(A) in the case of registration by motor vehicle driver's license application, the voter registration application is submitted to the State motor vehicle authority;

(B) in the case of registration by mail, the voter registration application is postmarked;

(C) in the case of registration at a location designated under this Act, the voter registration application is accepted at the location; and

(D) in any other case, the voter registration application is received by the appropriate State election official;

(2) shall notify each individual who submits a voter registration application of the approval or other disposition of the application;

(3) may not remove the name of an individual who is otherwise eligible to vote from the official voter registration list for failure to vote or any other reason other than (A) the request of the voter, (B) the death of the voter, or (C) a State law requiring removal by reason of criminal conviction, mental incapacity, or change in residence of the voter; and

(4) shall inform applicants under this Act of (A) each eligibility requirement for voting, and (B) penalties provided by law or submission of a false voter registration application.

JEFFORDS AMENDMENT NO. 86

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

On page 29, strike line 19 and insert the following: "on the later of—

"(A) January 1, 1996; or

"(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit compliance with this Act without requiring a special election; and".

SMITH AMENDMENTS NOS. 87–89

(Ordered to lie on the table.)

Mr. SMITH submitted three amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 87

At the end of the bill, add the following:

"Notwithstanding anything in section 5, section 6, section 7, of section 8 to the contrary, nothing contained in this Act shall prohibit a State from imposing a requirement for the production of reasonable identification demonstrating that such person is qualified to vote in that precinct at the time—

"(1) such registrant applies for a driver's license and simultaneously registers to vote under section 5 of this Act;

"(2) such registrant submits a mail registration form under section 6 of this Act;

"(3) such registrant appears at a voter registration agency designated under the provisions of subsection (a) of section 7;

"(4) such registrant appears to vote under the first-time voting provisions of subsection (c) of section 6;

"(5) such registrant appears to vote under circumstances described in subsection (d) of section 8. "Notwithstanding the provisions of section 5(b)(2) of this Act, information relating to a declination to register may be used where necessary to:

"(1) the prosecution of a crime of violence, when it is otherwise admissible as evidence;

"(2) the investigation of the presence in the United States of a member of a terrorist organization;

"(3) any other purpose designed to protect the public from a significant danger of serious harm.

"Notwithstanding the provisions of section 7(a)(2) of this Act, no State shall be required to designate any of the following as a voter registration agency:

"(1) a private charitable organization within the State;

"(2) a grocery store or other retail establishment, solely on the basis of the fact that such establishment accepts food stamps or other forms of public assistance or provides related services;

"(3) a privately operated job provider, operating in conjunction with a State or Federal public assistance program;

"(4) a private corporation;

"(5) a privately operated counselling center, drug rehabilitation center, or other social services center;

"(6) a social services agency within a prison;

"(7) an agency designed to provide services for persons not citizens of the United States, including a social services provider within a detention camp for persons accused of being unlawfully within the United States; or

"(8) a nursing home which accepts Social Security checks as payment for services.

"Notwithstanding anything in section 7(a)(5)(C) to the contrary, no cause of action shall lie against any person conferred with the responsibility for distributing registration materials under the provisions of this Act on the basis of reasonable questions designed to determine whether such person is eligible to vote under the provisions of the laws of the State in which registration is sought.

"Notwithstanding anything in section 7(a)(6) to the contrary, no State may be required to distribute voting registration materials to persons under the provisions of this section:

"(1) if an application for assistance is made, on the average, more than once a day; or

"(2) if the Governor of such State certifies that the distribution of such materials would otherwise be redundant, wasteful, repetitive, or foolish.

"Notwithstanding the provisions of section 7(a)(7) of this Act, information relating to a declination to register may be used where necessary to:

"(1) the prosecution of a crime of violence, when it is otherwise admissable as evidence;

"(2) the investigation of the presence in the United States of a member of a terrorist organization;

"(3) any other purpose designed to protect the public from a significant danger of serious harm.

"Notwithstanding the provisions of section 8 of this Act, no State shall be barred from taking any action to remove from its voter rolls persons who are:

"(1) dead;

"(2) aliens illegally within the United States;

"(3) convicted felons, if such persons are disqualified from voting by virtue of such convictions; and

"(4) persons who are not residents of such State.

"Notwithstanding anything in section 8(a)(4) to the contrary, nothing in this Act shall be construed to prevent any State from conducting a general or specific program to remove he names of ineligible voters from the official lists of eligible voters by reason of—

"(1) the fact that a voter is an alien illegally within the United States; or

"(2) the fact that a voter is disqualified from voting under the law of such State by reason of a felony conviction.

"Notwithstanding anything in section 8(b)(1) to the contrary, nothing contained in this Act shall be construed to prevent a State from conducting an anti-fraud effort in any jurisdiction or part thereof where there is reason to believe there exists a high incidence of voter fraud.

"Notwithstanding anything in section 11 to the contrary, remedies under the cause of action shall be limited to those explicitly cited in the provisions of that section and shall not include monetary damages, punitive damages, or the suspension or nullification of an election.

"Notwithstanding anything in section 11 to the contrary, no action may be brought under the provisions of that section on the basis that an action is 'discriminatory' because it fails to achieve a quota, guideline, timetable, or other racially based numerical criterion.".

AMENDMENT NO. 88

At the appropriate place, add the following:

SECTION 1. REPEAL OF ASSAULT WEAPON MANUFACTURING STRICT LIABILITY ACT OF 1990.

The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Act 8-289, signed by the Mayor of the District of Columbia on December 17, 1990) is hereby repealed, and any provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

AMENDMENT NO. 89

At the appropriate place, add the following:

"(a) Not later than September 30, 1995, the Attorney General shall promulgate regulations requiring that the following policies be implemented by each State prior to October 1, 1998:

"(1) that, prior to the issuance, reissuance, or reinstatement of any driver's license, commercial driver's license, permit, or identification card issued by the appropriate agency for the regulation of driving privileges in each State, such agency conduct a criminal records check of the applicant to determine, from the records furnished to the agency, whether the applicant has previously been convicted of a felony under State or federal law;

"(2) that, in the case of any applicant who has previously been convicted of a felony under State or federal law, the driver's license of such individual be marked, in accordance with regulations prescribed by the Attorney General, to so indicate;

"(3) that the cost of implementing paragraphs (1) and (2) of this section be funded wholly through a surcharge imposed on license applications by persons previously convicted of felonies, in accordance with regulations promulgated by the Attorney General.".

McCONNELL AMENDMENTS NOS. 90–91

(Ordered to lie on the table.)

Mr. McCONNELL submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 90

In section 4(b), strike "described" and all that follows through the end of the subsection and insert "in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.".

AMENDMENT NO. 91

On page 8, strike line 23 and all that follows through page 24, line 21, and insert the following:

"(2) Each State shall designate as voter registration agencies all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

"(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

"(B) Voter registration agencies designated under subparagraph (A) may include—

"(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, offices that provide public assistance, unemployment compensation, or related services, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

"(ii) Federal and nongovernmental offices, with the agreement of such offices."

McCONNELL (AND SIMPSON) AMENDMENT NO. 92

(Ordered to lie on the table.)

Mr. McCONNELL (for himself and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill (S. 460), supra, as follows:

On page 4, line 15 after "which" insert; "under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect."

On page 4, line 12, after "which", under law that is in effect continuously on and after March 11, 1993,".

On page 4, line 17, after "Federal" insert "officer, or in a Presidential election.".

McCONNELL AMENDMENTS NOS. 93–110

(Ordered to lie on the table.)

Mr. McCONNELL submitted 18 amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 93

On page 10, line 2, strike the period and insert ", if the applicant orally requests such assistance, and not if the applicant orally refuses such assistance.".

On page 12, line 2, strike the period and insert ", if the applicant orally requests assistance in completing the voter registration form, and not if the applicant orally refuses such assistance.".

AMENDMENT NO. 94

At the end of the bill add the following:

SEC. 14. SUNSET PROVISION.

After the date on which the chief election official of a State certifies to the Federal Election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 1.0 percentage point the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply to that State.

AMENDMENT NO. 95

On page 6, line 18, strike "perjury; and" and insert "perjury;".

On page 6, line 19, strike "(E)" and insert "(F)".

On page 6, after line 18, insert:

"(E) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

On page 26, line 10, strike "perjury; and" and insert "perjury;".

On page 26, line 11, strike "(3)" and insert "(4)".

On page 26, after line 10, insert:

"(3) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

AMENDMENT NO. 96

On page 4, line 10, strike "either or both" and insert "one or more", and

On page 4, between lines 17 and 18 add the following:

"(3) A State that—

"(A) demonstrates to the Federal Election Commission that 90 percent or more of all eligible members of the voting age population in the State were registered to vote in the most recent Federal election at any time; and

"(B) has in place a program for the removal of names of ineligible voters from official lists of eligible voters that is substantially equivalent to that described in section 8."

AMENDMENT NO. 97

Page 19, line 20, strike "registrant" and insert the following: "registrar".

AMENDMENT NO. 98

In section 5(a)(1), strike "Except as provided in subsection (b), each" and insert "Each".

Strike the period and insert "if the applicant so requests in writing."

Strike section 5(b).

In section 5(c), strike "(c)" and insert "(b)".

In new section 5(b)(2)(B), insert after "may" the following "elect or".

In new section 5(b)(2)(B), strike "subsection (b)" and insert in lieu thereof "subsection (a)".

In section 5(d), strike "(d)" and insert "(c)".

On page 11, strike lines 15 and 16 and insert in lieu thereof "if an applicant, in writing, affirmatively requests to register to vote;".

On page 11, line 21, insert after "may" the following "elect or".

AMENDMENT NO. 99

On page 10, line 19, after "from" insert "or coerce the applicant into".

On page 28, line 11, strike "vote;" and insert "vote, or declining to register or vote;".

AMENDMENT NO. 100

On page 14, line 15, strike "incapacity; or" and insert "incapacity;".

On page 14, line 16, strike "(C)" and insert "(D)".

On page 14, after line 15 insert:

"(C) where such resident is ineligible to vote because of citizenship status or insufficient age; or".

AMENDMENT NO. 101

At the appropriate place, insert the following:

SEC. 17. SENSE OF THE SENATE REGARDING MEASURES THAT CONTAIN UNFUNDED FEDERAL MANDATES.

It is the Sense of the Senate that it shall not be in order for the Senate to consider a bill or resolution, or an amendment thereto or conference report thereon, that would impose a duty or requirement on State or local governments that in the judgment of the Director of the Congressional Budget Office would be likely to result in an annual cost to State and local governments of $50,000,000 or more in conducting the program, project, or activity with respect to which the duty or requirement would be imposed.

AMENDMENT NO. 102

Strike section 4(a)(2).
Strike section 6.
Strike section 9(a)(2).
Strike section 9(b).

AMENDMENT NO. 103

Strike section 7.
Strike Section 3(5).

AMENDMENT NO. 104

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 2 Presidential elections."

AMENDMENT NO. 105

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 5 Presidential elections."

AMENDMENT NO. 106

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 10 Presidential elections."

AMENDMENT NO. 107

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 15 Presidential elections."

AMENDMENT NO. 108

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(2) add the following:

(C) all State-funded offices and, with their agreement, all offices of the Internal Revenue Service in the State, that provide assistance to taxpayers in complying with the requirements of revenue laws.

AMENDMENT NO. 109

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(1)(2) add the following:

(C) all fishing and hunting license bureaus.

In section 7(a)(3)(B)(i) strike "fishing and hunting license bureaus,".

AMENDMENT NO. 110

Strike all after the enacting clause and insert the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to permit voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for each taxpayer to request the State to provide such taxpayer with the mail registration materials.

HELMS (AND OTHERS) AMENDMENT NO. 111

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. PRESSLER, Mr. SMITH, Mr. BROWN, Mr. FAIRCLOTH, and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the bill (S. 460), supra, as follows:

At the appropriate place in the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, a State shall be exempt from this Act, if its Governor determines and so certifies to the Attorney General of the United States that compliance with this Act would force it to expend additional public funds, making it necessary for the State to increase taxes on its citizens.".

MCCAIN (AND GRAMM) AMENDMENT NO. 112

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill (S. 460), supra, as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION AND VOTING BY MEMBERS OF THE ARMED FORCES.

(a) Each State and the Secretary of Defense shall jointly develop and implement procedures—

(1) in the case of persons who are inducted into the Armed Forces of the United States after the date that such procedures have been developed and implemented, to register those persons to vote at the time and place of induction;

(2) in the case of persons who are members of the Armed Forces of the United States on that date, to register those persons to vote at their place of duty; and

(3) that the Secretary of Defense annually forward to the States the names and places of duty of every individual registered to vote and serving in the Armed Services.

(4) that the States treat the list designated in (a)(3) if this Section as a request for an absentee ballot.

(b) ABSENTEE VOTING.—(1) Each State shall—

(A) accept Federal write-in absentee ballots from members of the Armed Forces of the United States and their spouses and dependents for both special and general elections for Federal office;

(B) treat each request for an absentee ballot by a member of the Armed Forces of the

United States or their spouses or dependents as a request for an absentee ballot to vote in all special and general elections for Federal office held during the calendar year in which the request is made.

(2) A State shall not impose or enforce any requirement that a request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or dependents be made within a certain length of time prior to the date of a special or general election for Federal office.

FORD AMENDMENTS NOS. 113–123

(Ordered to lie on the table.)

Mr. FORD submitted eleven amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 113

On page 29, strike line 19 and insert the following: on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to * * *.

AMENDMENT NO. 114

On page 24, line 24, strike "the heads" and all that follows through page 25, line 3, and insert "shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);".

AMENDMENT NO. 115

On page 10, line 2, after "forms" insert ", unless the applicant refuses such assistance".

On page 12, line 2, after "forms" insert ", unless the applicant refuses such assistance".

AMENDMENT NO. 116

On page 8, between lines 18 and 19, insert he following:

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

AMENDMENT NO. 117

On page 7, between lines 4 and 5, insert the following:

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

AMENDMENT NO. 118

On page 6, line 18, strike "perjury; and" and insert "perjury;".

On page 6, between lines 18 and 19, insert the following:

(D) shall include, in print that is identical to that used in the attestation position of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declared to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

On page 6, line 19, strike "(E)" and insert "(F)".

On page 26, line 10, strike "perjury; and" and insert "perjury;".

On page 26, between lines 10 and 11, insert the following:

(3) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declared to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application and will be used only for voter registration purposes; and

On page 26, line 11, strike "(3)" and insert "(4)".

AMENDMENT NO. 119

On page 12, after line 22 add the following:

(d) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

AMENDMENT NO. 120

On page 4, lines 21 and 22, strike "Except as provided in subsection (b), each" and insert "Each".

On page 5, line 2, after "office" insert "unless the applicant fails to sign the voter registration application".

On page 5, strike line 6 through 12 and insert the following:

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

On page 6, strike lines 1 through 3.

On page 6, line 4, strike "(C)" and insert "(B)".

On page 6, line 12, strike "(D)" and insert "(C)".

On page 16, line 19, "(E)" and insert "(D)".

AMENDMENT NO. 121

On page 4, line 12, after "which" insert ", under law that is in effect continuously on and after March 11, 1993,".

On page 4, strike lines 15 through 17 and insert the following:

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.

AMENDMENT NO. 122

On page 4, strike line 12 and all that follows through the end of the bill and insert the following:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the

applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

AMENDMENT NO. 123

On page 4, strike line 12 and all that follows through the end of the bill and insert the following:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the

valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is over-

turned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

GRAMM AMENDMENT NO. 124

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

Strike all after (A) on page 9, line 1 through (B) on page 9, line 4.

SIMPSON AMENDMENT NO. 125

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the appropriate place, add the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to comply with the provisions of this Act, permitting voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for such taxpayer to request the State to provide such taxpayer with the mail registration materials.

SIMPSON (AND D'AMATO) AMENDMENT NO. 126

(Ordered to lie on the table.)

Mr. SIMPSON (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the end of the bill, add the following:

TITLE —IMPROVED PROCEDURES FOR EXCLUSION OF ALIENS SEEKING TO ENTER THE UNITED STATES BY FRAUD

SEC. 01. SHORT TITLE.

This title may be cited as the "Port of Entry Inspections Improvement Act of 1993".

SEC. 02. ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting in lieu thereof the following:

"(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS";

(2) by adding at the end the following new clause:

"(iii) FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document which relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable.".

(b) PROVISION FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsections:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier pursuant to direct departure to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(2) Notwithstanding subsection (a), an alien who, in boarding a common carrier pursuant to direct departure to the United States, presents any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration official upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(3)(A) Whenever an immigration officer determines that an alien seeks entry to the United States as described in paragraph (1) or (2) and that the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from—

"(i) a country in which the alien has a credible fear of persecution; or

"(ii) which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) If the immigration officer determines that the alien does not have a credible fear of persecution in the country from which the alien was last present before attempting entry into the United States, and that there is no significant danger that the alien would be returned from such country to a country in which the alien would have a credible fear of persecution, the alien may be specially excluded and deported in accordance with section 235(e). The alien may not appeal such determination.

"(4) As used in this subsection, the term 'credible fear of persecution' means—

"(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

"(B) there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).".

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period "or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)".

(3) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien, who has not been admitted to the United States and who is excludable under section 212(a)(6)(C)(iii), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply for withholding of deportation or for any other relief under this Act, except as provided in section 208(e) with respect to asylum.

"(2) An alien under paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(A) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(B) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.".

(4) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking out "Deportation" and inserting in lieu thereof "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking out "If" and inserting in lieu thereof "Subject to section 235(d)(2), if".

SEC. 03. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 02(b)(3) of this title) is amended by adding after subsection (d) the following new subsection:

"(e)(1) Subject to paragraph (2), any alien (including an alien crewman) who may appear to examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise.

"(2)(A) An alien who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(i) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(ii) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) Such special exclusion order is not subject to administrative appeal and shall have the same effect as if the alien has been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall not be available under section 106 or, except by habeas corpus as herein provided, under any other provision of law.

"(C) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 04. RESTRICTIONS ON JUDICIAL REVIEW.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 03 of this title) is amended by adding after subsection (e) the following new subsections:

"(f) ALIENS EXCLUDABLE FOR ADMISSIONS FRAUD.—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to

an alien found excludable for admissions fraud pursuant to section 212(a)(6)(C)(iii). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered specially excluded from the United States pursuant to sections 212(a)(6)(C)(iii) and 235(e).

"(g) INTERVIEWS AND SPECIAL EXCLUSION.—(1) Notwithstanding any other provision of law, no court shall have jurisdiction—

"(A) to review the procedures established by the Attorney General for the determination of admissions fraud pursuant to section 212(a)(6)(C)(iii); or

"(B) to enter declaratory or injunctive relief with respect to the implementation of subsection (d) or (e).

"(2) Notwithstanding the nature of the suit or claim, no court shall have jurisdiction (except by habeas corpus petition as provided in subsection (f)) to consider the validity of any adjudication or determination of special exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

"(h) COLLATERAL ENFORCEMENT PROCEEDINGS.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under sections 275 and 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242.".

SEC. 05. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking "five years" and inserting "ten years"; and

(2) by inserting before the period at the end of paragraph (1) ", except that in any case in which a person causes serious bodily injury to, or places in jeopardy the life of, any alien involved in the offense, such person shall be fined in accordance with the provisions of title 18, United States Code, or imprisoned not more than 20 years for each alien with respect to whom any violation of this paragraph occurs, or both.".

SEC. 06. EFFECTIVE DATE.

Notwithstanding section 13 of this Act, this title and the amendments made by this title shall take effect on the date of enactment of this Act, and such amendments shall apply to aliens who arrive in or seek admission to the United States on or after the date of enactment of this Act.

SIMPSON (AND OTHERS) AMENDMENTS NOS. 127–129

(Ordered to lie on the table.)

Mr. SIMPSON (for himself, Mr. HELMS, and Mr. MCCONNELL) submitted three amendments intended to be proposed by them to the bill (S. 460), supra, as follows:

AMENDMENT NO. 127

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

AMENDMENT NO. 128

At the appropriate place, insert the following:

SEC. . CIVIL PENALTIES FOR MISREPRESENTATION OR FRAUD CONCERNING CITIZENSHIP.

(a) IN GENERAL.—A person who engages in conduct that constitutes a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, shall be liable for a civil penalty imposed in accordance with the procedures stated in subsection (b).

(b) PROCEDURES.—

(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

(A) for persons to file written, signed complaints respecting potential violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code;

(B) for the investigation of those complaints which, on their face, have a substantial probability of validity;

(C) for the investigation of such other violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, as the Attorney General determines to be appropriate; and

(D) for the designation in the Department of Justice of a unit to prosecute violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code.

(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

(A) the Attorney General and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated; and

(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

(3) ORDER REQUIRING COMPLIANCE.—In a case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, a district court of the United States may issue an order requiring compliance with the subpoena, and any failure to obey the order may be punished as a contempt of court.

(4) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (5) against a person under this subsection for a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the Attorney General shall provide the person with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—A hearing requested pursuant to subparagraph (A) shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person resides or of the place where the alleged violation occurred. If no hearing is requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If an administrative law judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the administrative law judge shall state findings of fact and issue and cause to be served on the person an order described in paragraph (5).

(5) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY.—With respect to a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the order under this subsection shall require the person to—

(A) cease and desist such violations, and inform the appropriate State office that the person's name should be removed from the voter registration list; and

(B) pay a civil penalty of—

(i) in the case of a first violation, not less than $1,000 nor more than $4,000; and

(ii) in the case of a second or subsequent violation, not less than $4,000 nor more than $10,000 for each violation.

(6) ADMINISTATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection.

(7) JUDICIAL REVIEW.—A person adversely affected by a final order under this section may, within 45 days after the date the final order is issued, file a petition in the court of appeals for the appropriate circuit for review of the order.

(8) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this section, the Attorney General shall bring a civil action in United States district court to seek compliance with the order. In such an action, the validity and appropriateness of the final order shall not be subject to review.

AMENDMENT NO. 129

At the appropriate place, insert the following:

SEC. . REGISTRATION OF NONCITIZENS.

(a) DEFINITION.—For the purposes of this section—

(1) the term "6 States that receive the largest number of immigrants' means the 6 States that, as reported in the Immigration and Naturalization Service Statistical Yearbook for fiscal year 1991, received the largest number of immigrants.

(b) STUDY.—The Attorney General shall conduct a study, in at least 3 States that are among the 6 States that received the largest number of immigrants, to determine, as specifically as possible using the best available statistical and other methodologies with respect to the period beginning on the date of enactment of this Act and ending on the date of the general elections for Federal office in 1994—

(1) the number of noncitizens that apply for voter registration during that period;

(2) the number of noncitizens that are registered to vote in the primary, runoff, and general elections for Federal office in 1994;

(3) the number of noncitizens that vote in the privacy, runoff, and general elections for Federal office in 1994;

(4) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to violate immigration laws (including sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c)); and

(5) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to apply for or obtain Federal public benefits.

(c) REPORT.—Not later than November 30, 1995, the Attorney General shall submit to Congress a report describing the results of the study. If it is determined in the study and report required by this section that more than 3.0 percent of all persons registered to vote in the primary, runoff, and general elections for Federal office in 1994 in the States that are the subject of the study are noncitizens, section 6, Mail Registration,

and section 7, Voter Registration Agencies, shall terminate 15 days after the report is submitted to Congress.

SIMPSON (AND OTHERS) AMENDMENT NO. 130

Mr. SIMPSON (for himself, Mr. HELMS, and Mr. MCCONNELL) proposed an amendment to the bill (S. 460), supra, as follows:

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

McCONNELL AMENDMENTS NOS. 131–151

(Ordered to lie on the table.)

Mr. MCCONNELL submitted 21 amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 131

In section 4(b), strike "described" and all that follows through the end of the subsection and insert "in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.".

AMENDMENT NO. 132

On page 4, line 15 after "which" insert; "under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect."

On page 4, line 12, after "which" insert ", under law that is in effect continuously on and after March 11, 1993,".

On page 4, line 17, after "Federal" insert "office, or in a Presidential election."

AMENDMENT NO. 133

On page 8, strike line 23 and all that follows through page 24, line 21, and insert the following:

"(2) Each State shall designate as voter registration agencies all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

"(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

"(B) Voter registration agencies designated under subparagraph (A) may include—

"(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, offices that provide public assistance, unemployment compensation, or related services, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

"(ii) Federal and nongovernmental offices, with the agreement of such offices."

AMENDMENT NO. 134

On page 10, line 2, strike the period and insert ", if the applicant orally requests such assistance, and not if the applicant orally refuses such assistance.".

On page 12, line 2, strike the period and insert ", if the applicant orally requests assistance in completing the voter registration form, and not if the applicant orally refuses such assistance.".

AMENDMENT NO. 135

At the end of the bill add the following:

SEC. 14. SUNSET PROVISIONS.

After the date on which the chief election official of a State certifies to the Federal Election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 1.0 percentage point the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply in that State.

AMENDMENT NO. 136

On page 6, line 18, strike "perjury; and" and insert "perjury;".

On page 6, line 19, strike "(E)" and insert "(F)".

On page 6, after line 18, insert:

"(E) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

On page 26, line 10, strike "perjury; and" and insert "perjury;".

On page 26, line 11, strike "(3)" and insert (4)".

On page 26, after line 10, insert:

"(3) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

AMENDMENT NO. 137

On page 4, line 10, strike "either or both" and insert "one or more", and

On page 4, between lines 17 and 18 add the following:

"(3) A State that—

"(A) demonstrates to the Federal Election Commission that 90 percent or more of all eligible members of the voting age population in the State were registered to vote in the most recent Federal election at any time; and

"(B) has in place a program for the removal of names of ineligible voters from official lists of eligible voters that is substantially equivalent to that described in section 8."

AMENDMENT NO. 138

Page 19, line 20, strike "registrant" and insert the following: "registrar".

AMENDMENT NO. 139

In section 5(a)(1), strike "Except as provided in subsection (b), each" and insert "Each".

Strike the period and insert "if the applicant so requests in writing."

Strike section 5(b).

In section 5(c), strike "(c)" and insert "(b)".

In new section 5(b)(2)(B), insert after "may" the following "elect or"

In new section 5(b)(2)(B), strike "subsection (b)" and insert in lieu thereof "subsection (a)"

In section 5(d), strike "(d)" and insert "(c)".

On page 11, strike lines 15 and 16 and insert in lieu thereof "if an applicant, in writing, affirmatively requests to register to vote;".

On page 11, line 21, insert after "may" the following "elect or".

AMENDMENT NO. 140

On page 10, line 19, after "from" insert "or coerce the applicant into".

On page 28, line 11, strike "vote;" and insert "vote, or declining to register or vote;".

AMENDMENT NO. 141

On page 14, line 15, strike "incapacity; or" and insert "incapacity;".

On page 14, line 16, strike "(C)" and insert "(D)".

On page 14, after line 15 insert:

"(C) where such resident is ineligible to vote because of citizenship status or insufficient age; or".

AMENDMENT NO. 142

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING MEASURES THAT CONTAIN UNFUNDED FEDERAL MANDATES.

It is the Sense of the Senate that it shall not be in order for the Senate to consider a bill or resolution, or an amendment thereto or conference report thereon, that would impose a duty or requirement on State or local governments that in the judgment of the Director of the Congressional Budget Office would be likely to result in an annual cost to State and local governments of $50,000,000 or more in conducting the program, project, or activity with respect to which the duty or requirement would be imposed.

AMENDMENT NO. 143

Strike section 4(a)(2).
Strike section 6.
Strike section 9(a)(2).
Strike section 9(b).

AMENDMENT NO. 144

Strike section 7.
Strike section 3(5).

AMENDMENT NO. 145

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 2 Presidential elections."

AMENDMENT NO. 146

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 5 Presidential elections."

AMENDMENT NO. 147

Page 15, line 21 strike "." and insert "unless that person has failed to vote during a period spanning at least 10 Presidential elections."

AMENDMENT NO. 148

Page 15, line 21 strike "." and insert "unless that person has failed to vote during a period spanning at least 15 Presidential elections."

AMENDMENT NO. 149

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(2) add the following:

(C) all State-funded offices and, with their agreement, all offices of the Internal Reve-

nue Service in the State, that provide assistance to taxpayers in complying with the requirements of revenue laws.

AMENDMENT NO. 150

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(1)(2) add the following:

(C) all fishing and hunting license bureaus.

In section 7(a)(3)(B)(i) strike "fishing and hunting license bureaus,".

AMENDMENT NO. 151

Strike all after the enacting clause and insert the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to permit voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for each taxpayer to request the State to provide such taxpayer with the mail registration materials.

BROWN AMENDMENT NO. 152

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

Subsections (B) (i) and (ii) are deemed to read:

(B) (i) has failed to respond to a notice described in paragraph (2);

(ii) has not corrected the registrar's record of the registrant's address.

GRAMM AMENDMENT NO. 153

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act, section 7(a)(2)(A) shall have no force and effect.

KEMPTHORNE AMENDMENT NO. 154

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to amendment No. 126, submitted by Mr. SIMPSON, to the bill (S. 460), supra, as follows:

At the appropriate place, insert the following:

( ) This Act shall not apply to a State in which 80 percent or more of the voting age population was registered to vote in the most recent general election for Federal office held prior to the date of enactment of this Act.

GRAMM AMENDMENTS NOS. 155 AND 156

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, section 7(a)(2)(A) shall have no force and effect.

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, section 7(a)(2)(A) shall have no force and effect.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. 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, March 16, 1993, at 10 a.m. to conduct a hearing on the Competitiveness Policy Council's second annual report being held jointly with the Joint Economic Committee.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 16, beginning at 9 a.m., to conduct a hearing on environmental aspects of the North American Free Trade Agreement.

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

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 16, 1993, to receive testimony on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

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

ADDITIONAL STATEMENTS

THE PAYMENTS IN LIEU OF TAXES PROGRAM

• Mr. HATCH. Mr. President, I rise today to express my strong support for S. 455, the Payments In Lieu of Taxes [PILT] Act, introduced on February 25, 1993, by my colleague, Senator HATFIELD. Along with four other Western Senators, I am an original cosponsor of this important piece of legislation critical to public lands States like Utah.

To understand the critical nature of this legislation, one must understand the intent behind the PILT Program.

Originally established in 1976 by Congress, the PILT Program was designed to compensate States with certain Federal lands within their borders. These lands—which include those managed by the Forest Service, the National Park Service, the Bureau of Land Management [BLM], the Fish and Wildlife Service, those withdrawn for the Department of Defense, and Indian reservations—are exempt from property taxes, the primary revenue source for counties to provide services. Unable to assess property taxes on these lands, counties were literally taxing to death that portion of their land held privately to make up the shortfall caused by the presence of Federal lands. Fortunately, Congress recognized the financial burden management of these lands placed upon local governments and established a mechanism to pay counties a per acre amount to watch over the public's lands. This mechanism is the PILT Program.

We in Utah are concerned about the continued viability of PILT because the Federal Government is the majority owner of our acreage. According to the BLM, 70.2 percent of Utah's 52 million acres is owned and managed by the agencies I mentioned above. In most of Utah's rural counties, the Federal Government owns more than 70-, 80-, and even 90-percent of the entire county. This means that the land base in the large majority of Utah's counties, as far as tax support is concerned, consists of 30-, 20-, and yes—even 10-percent or less of the county's total acreage. From these dismally low percentages, a county must obtain the necessary funds to provide all county services to all county citizens, be they permanent residents or visitors.

The PILT Program forms the financial backbone for Utah's county budgets. The program provides funds to be used for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, health and human services, and many more uses to support a local community's welfare.

These funds were used last year to help county volunteers search for four cross-country skiers caught in an avalanche in the Manti-LaSal Forest in southeastern Utah. The Forest Service did not provide any funds to undertake this rescue attempt, and San Juan County had to cover the entire cost, including an $8,500 bill for the use of a helicopter. These funds were also utilized to rescue a family of eight who, while hiking near Hite Marina on Lake Powell, became trapped after a flash flood forced them into a canyon. Twenty county individuals spent countless manhours, in addition to the necessary equipment, to retrieve this family visiting Lake Powell.

These funds are also expended by counties to purchase the appropriate equipment and receive the requisite training, mandated by the Environmental Protection Agency [EPA], to

prepare a response to a hazardous waste release or spill. The EPA requires this upfront spending before a county receives EPA approval for its local emergency plan, without being reimbursed for these expenses. These are a few examples that vividly demonstrate how PILT funds are utilized in Utah. They are not misspent or used in some wasteful fashion that taxpayers would disapprove of or resent.

The PILT Program is not a handout to Utah's counties or any other county in the Nation. It is a constant reminder to the Federal Government that it owns millions of acres of land throughout the country for which it has direct responsibility to manage as any other honorable landowner. Congress cannot treat this program like other Federal programs; that is, it cannot pass the costs of managing or administering these lands on to local governments whose budgets are already constrained. There is no tax base to absorb these costs; the purpose of the PILT Program was to compensate for denying these affected counties an adequate tax base. That additional financial weight is too much for the counties to bear. And, frankly, if it is too much for the Federal Government to bear, then alternatives should be pursued to locate landowners who can and will shoulder this burden, whether this action occurs through disposals, exchanges, or outright purchases.

Prior to 1976, counties could depend on meeting local services by collecting a portion of the receipts the Government received from natural resource activities conducted on Federal lands in their respective counties. These activities included mining, timber harvesting, grazing, oil and gas exploration and development, and several other historical uses. In recent times, these activities have not proved as successful, or as rewarding, to counties, thus severely limiting county access to adequate funding sources. As I see it, this situation will only get worse as lawmakers continue adopting legislation that further restricts the multiple-use philosophy that has historically prevailed on public lands. This limited use can only result in limited direct funds to the counties.

Just a week ago, Utah's Garfield County Commissioner Louise Liston indicated to me the constraints being placed on county budgets as more and more pressure is placed on counties to provide services. Then she made an interesting statement. She said that in most Utah counties, the Federal agencies are the only industries left in those counties. This statement underscores the figures I have mentioned regarding Utah's land ownership situation. The main business in Utah's rural counties is the Federal Government, which means the counties are responsible for supporting the Federal Government and its respective agencies with the appropriate infrastructure and services.

As Mrs. Liston asked me, how long can this unbearable situation go on? How long can counties ignore the short- and long-term needs of their economic development and divert resources toward the needs of the local BLM manager or the local forest service ranger before the county declares bankruptcy or raises property taxes beyond belief? It is unfortunate that Federal land managers have more power and control over a county's destiny than the officials elected to run the county, but that is the way of life in rural Utah. My response to Mrs. Liston was that local officials must participate in, scrutinize thoroughly, and challenge legally, if necessary, every decision made by these individuals, especially those with an economic impact on the county.

Since 1976, the PILT Program has received approximately $105 million, or the maximum amount authorized under the original legislation. Unfortunately, as has been quoted many times in recent years but merits repeating here, the worth of this amount as measured in constant dollars is less than half of the authorized amount. The National Association of Counties [NACO] reports that since 1976, the consumer price index has increased over 120 percent, while PILT payments have remained constant. I have mentioned an increase in county services over the years, but let me provide several startling figures to support this statement. According to NACO, costs have increased for corrections facilities, up 143 percent; fire protection, 121 percent; health services, 106.1 percent; and police protection, 60.3 percent. Visitation to the national parks has increased by approximately 20 million people, while the forests have experienced an increase of over 25 million visitors, during the past decade. S. 455 is a recognition of these cost increases and brings the PILT Program up to date so it is reflective of the present, not the past.

Mr. President, I recognize and applaud Senator HATFIELD's leadership on this vital issue. I also commend the efforts of other Senators who have spearheaded past efforts before this body to increase the PILT Program. S. 455 would increase the amount of payments received under the PILT Program over a 5-year period, rather than providing the increase in a lump-sum adjustment. This method may be more amenable to members on the Interior Appropriations Subcommittee, who must deal with the many demands placed on their particular bill.

However, I would remind my colleagues that county commissioners have just as many, if not more, demands on their county budgets. These demands surface because of the tremendous financial hardship the presence of Federal acreage brings to county administrators. In addition, the bill would adjust the PILT Program for inflation, based on the CPI each year, after enactment to ensure that counties are not faced with this situation again once the current funding problem is alleviated.

The bill also contains an important provision written last session by our former colleague, Jake Garn, in collaboration with the Utah Association of Counties. Currently, the PILT Program does not recognize lands exchanged by the States to the Federal Government as eligible for PILT payments. States, therefore, are penalized and receive no compensation when the total percentage of Federal ownership increases within their boundaries, even though counties must provide services to those additional Federal acres. This provision would amend the PILT Program and allow lands conveyed to the United States in exchange for other lands to be eligible for PILT payments.

The remedy this bill provides is long overdue. If my colleagues are truly supportive of aiding local governments, if they truly believe the concept that "all politics are local," as Tip O'Neill used to say, then they will wholeheartedly support this measure and give a sizable boost to local governments through its adoption. Utah needs this legislation passed. I intend to work diligently toward that goal.•

LEARNING FROM MINNESOTA'S SCHOOLS

• Mr. DURENBERGER. Mr. President, it is commonplace about our Federal system of government that the States are expected to be laboratories of democracy. I would like to give my colleagues an example of one local experiment that is working—and that contains valuable lessons for our country.

Concerned parents and school officials in North Branch, MN, are challenging the educational orthodoxy of State-imposed mandates. They are reinventing education at the local level—and pointing the direction for national reform.

The charter public school legislation I have introduced in the Senate would increase the independence of schools nationwide—and liberate them to experiment with new educational approaches.

It is time for new thinking in education. And charter schools will give us a big boost in the right direction.

Mr. President, more details about the North Branch experiments are contained in an article that appeared in the Minneapolis Star-Tribune of March 7. I recommend this article to the attention of my colleagues—and I ask that it be included in the RECORD at the conclusion of my remarks.

The article follows:

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MINNESOTA SCHOOLS BREAKING THE RULES
(By Mary Jane Smetanka)

In Minnesota, teachers need a license to teach math. Students have to take a certain number of social studies and science classes to receive a high school diploma. And only certain kinds of bumpers and windshield wipers are good enough for school buses.

The rules say so.

Parents, students, teachers and administrators in Minnesota public schools have complained about "the rules" for years, saying they hamstring creativity and impede change. Now, for the first time, hundreds of state mandates that dictate how schools operate face a serious challenge.

Under a bill in the state Senate, 85 percent of the rules that govern schools would be wiped off the books.

But one school district isn't waiting for legislative action. On Monday, school officials from North Branch will ask the State Board of Education to make it the first school district to be free of state rules.

Taken to its extreme, that freedom could yield change that nobody wants: class sizes of 50 students, a nine-hour school day, a graduation requirement that includes a yoga class.

Thoughtful creativity is more the hallmark in North Branch, a district of about 2,400 students about 40 miles north of the Twin Cities. The district is known for carefully monitored innovations such as a year-round high school and an elementary school run by a school council instead of a principal. State officials have approved those changes and watched them mature. That has created good will on the state board.

"I am very positive about this," said Kathleen Muellerleile, state board vice president, who is familiar with North Branch's proposal. "I'm not worried about setting a precedent. We have a special, unique relationship with them."

The state rules and statutes that govern Minnesota schools would fill a book several inches thick. The regulations have been characterized as complex, intimidating, and as a convenient excuse for reform-shy school boards. The desire to free teachers and parents from many of those rules was a prime force behind the Legislature's 1991 law allowing independent public schools known as charter schools.

When the charter school legislation passed, many public school officials complained that they, too, could create, wonderful and unusual schools if they had regulatory freedom. But state mandates in the form of laws and rules constrained them.

State laws, which are set by the Legislature, cover things such as funding, compulsory attendance, the length of the school year and require certain programs such as drug education.

State rules, which are set by the State Board of Education and have the effect of law, are more detailed and generally address areas such as curriculum, staffing, special education, desegregation and teacher licensing. Districts are supposed to ask the state board for permission to stray from those regulations.

In 1991 and 1992, the state board received 59 requests for waivers, according to Marsha Gronseth, board executive director. The board approved 25 waiver requests and rejected two. Five are pending, the rest were withdrawn or didn't need a waiver.

The Senate bill, which has bipartisan support, would repeal approximately 85 percent of the rules that affect schools. That's about 370 rules; approximately 20 state statutes are also listed in the bill for repeal.

It's unlikely that all of those mandates will disappear, said Sen. Larry Pogemiller, DFL-Minneapolis, who is cochairman of the Education Committee and one of the bill's sponsors.

Any regulation that a member of the Senate Education Committee wanted eliminated was listed for repeal in the proposed bill as a way to get discussion going, Pogemiller said. But he believes legislators will approve "a fairly dramatic bill" canceling a significant number of mandates.

"Over the last few years we keep hearing the concern that the state is asking schools to be more creative and innovative at the local level, and at the same time we keep telling everybody what to do," he said.

There is sure to be a fight over proposed repeal of rules such as the requirement that schools open after Labor Day. Special education groups are very concerned about possible changes in that area. Even the suggested repeal of specifications on bus parts has stirred objections.

"Clearly there are rules that need to be there," Pogemiller said. "Health and safety, discrimination, etc. But we don't need rules that tell school districts they have to have alternators in buses. If we can't delegate that to schools, what can we delegate?

"We need to make a philosophical leap and say, look, people can make decisions for their own children. I think they will make good decisions. Will there be bad decisions? You bet. But the current system is creating rigor mortis in our schools."

The proposed changes would gradually phase in through 1998. Current standards that require a certain number of credits for high school graduation, for example, would be repealed in 1996, when a new system requiring students to show what they've learned is supposed to take effect.

Teachers unions agree that some rules should be dropped, but officials urge caution. "Rules have been put into place for reasons, and a lot of times these are reasons we agree with," said Cheryl Furrer, director of legislative affairs for the Minnesota Education Association (MEA). "Some of these we worked long and hard for and we want maintained. As a former second-grade teacher, I remember what it was like before we had a duty-free lunch."

Minnesota Federation of Teachers' Sandy Peterson agreed. "Everything needs to get looked at before they are thrown out," she said. "Sometimes, unless you have some rules, things don't get done." Rules also protect districts from litigation, she said, and ensure that important school programs are protected from budget cuts.

In North Branch, the MEA local has expressed mild concern about the district's request to be free from state rules. In a statement sent to the state board, union representatives said teachers support the district's past innovations but have "some reservations" about how the new request would affect class size, teacher licensing and work hours. If the state board can assure teachers that the school board, staff and community will work together on each change, the statement says, the union supports the waiver.

Lyle Koski, North branch director of education, said the district wouldn't make immediate, sweeping changes. The point is to free people to think about making schools better instead of worrying about which state rule might be broken, he said, and to make changes less bureaucratic.

For example, he said, a few years ago one of North Branch's principals resigned just before school started. Instead of beginning an emergency search for a principal, the district set up a committee of teachers, parents and others to run the school. That fall, they asked the state board to waive the requirement that there be a principal in the building. Because of a backlog of requests, the waiver wasn't heard until spring, Koski said. It was approved, more than half a school year after the experiment started.

"When we fell something is right, we'd like the authority to try it," he said.

In the past, the state board and education department have been "wonderful," Koski said. But, he said, the constant back-and-forth to St. Paul sometimes makes him feel "we should have an office at the state department [of education]."

If their waiver is approved, North Branch officials have pledged to keep the state board up to date on changes, to abide by health and safety regulations, to closely consult with the education department and to do what's best for students.

They won't be making yoga a graduation requirement. But if the state board didn't care for the direction North Branch's experiments were taking, the board could reimpose state rules on the district.

Muellerleile isn't worried about that happening. What North Branch's application does, she said, is offer one district the chance to erase the defeatism that kills change before it starts, She called it "we can't do this, there's a rule."

"They want to change that mindset, and I see that as an advantage for the state board," she said. "This is a good test."•

COMMENDING THE SYNERGY CORP. SMALL BUSINESS INCUBATOR

• Mr. BOND. Mr. President, today I would like to take a few moments to recognize the Small Business Synergy Corp. On March 12, 1993, there will be a ribbon-cutting ceremony in their honor. The Synergy Corp. utilizes the incubator concept to assist small and emerging businesses who, in return, strengthen the economy of St. Charles County, MO.

During the 1980's St. Charles County experienced significant economic and population growth, ranking in the top three fastest growing counties in the United States. Although this is good news for my home State, this fast paced growth has left St. Charles County with an economic dependence on three key industries: Automotive, airline, and defense.

The area's economy has suffered profoundly from the recent series of McDonnell Douglas layoffs which began in July 1990. Projected declines in defense spending combined with possible cutbacks in the automotive and airline industries have caused some concern. The work forces in these industries are highly educated and well paid. If cutbacks occur, these skilled workers will have a difficult time finding comparable jobs and wages.

The Small Business Synergy Corp. will use the incubator concept to help stimulate and diversify the local economy by assisting small and emerging

businesses. Small businesses are important to the economic growth of St. Charles County because they create jobs, provide new products and services, purchase goods and services, increase the tax base and enhance the overall quality of life.

The Synergy Center is a facility that offers new and emerging businesses affordable space, shared equipment and services, and a wide range of professional, technical, and financial assistance. The Synergy Center will also provide on-site business and MBA courses as well as continuing education opportunities for incubator tenants and St. Charles County businesses.

Mr. President, I would like to extend my sincere congratulations to the Small Business Synergy Corp. for their service and commitment to the community, and I am honored to have had the opportunity to recognize their accomplishments.•

THE CHILDREN'S TELEVISION ACT OF 1990

• Mr. SIMON. Mr. President, we may be adults, but we still have a lot to learn from Captain Kangaroo. Bob Keeshan, better known as Captain Kangaroo, has entertained and educated our Nation's children for over 30 years. Captain Kangaroo had its debut in 1955 on CBS and stayed there for three decades before moving to public television, where it is still aired by 170 stations. Over those decades, Captain Kangaroo has set a standard of excellence to which today's children programs still aspire.

Recently, Mr. Keeshan testified before a Senate committee on television violence. He explained that the increasingly important role television plays in most households and the limited availability of children's programming, make television violence a more serious problem today than ever.

Television has become the national babysitter. Mr. Keeshan observed that "The most commonly exchanged words between a parent and child are not, 'Honey, I love you,'" he said with a shake of his head, and a long loving look at his own daughter. "They are, 'Honey, I'm busy. Go watch television.'" This is not as good an idea as it used to be.

"Too much television is too violent, too commercial or too coarse" he complains. He blames this deterioration of broadcast programming on the deregulation of television in the 1980's. At that time, Mr. Keeshan maintains, the requirements that television stations demonstrate service to their communities were loosened to the point of being meaningless.

Mr. Keeshan remembers "the good old days of the 1950's, 1960's and 1970's," when his greatest friends were the affiliated stations. "They used to have to talk, in the FCC logs, about what they were doing for children and for others in the community. It was taken seriously—a station could lose its license." Then came the 1980's, the era of deregulation. The administration sent a message to broadcasters, "That doesn't matter anymore. We don't want to interfere with the business of television."

The 1990 Children's Television Act promises to bring back an era of quality programming for our young audiences. Congress has mandated that stations regularly provide programming specifically for children. Mr. Keeshan is quick to warn, however, that without proper enforcement, this legislation won't mean much.

Mr. President, the recent interpretations of the act have been comical: Stations claiming that "The Jetsons" is educational because it teaches youngsters about space technology, or that "Family Feud" helps develop problem-solving skills in a family setting. Both Mr. Keeshan and myself are hopeful that the Children's Television Act will be more potent under the Clinton administration.

Mr. Keeshan admits that there are quality programs available, especially those shown on PBS. He specifically mentioned "Mr. Rogers' Neighborhood." "Fred Rogers is a very good friend of mine," he said. "We have worked together for many years." Mr. Keeshan is also inspired by the choices brought by new technology. Cable has brought us the Disney channel, and the VCR enables parents to do their own programming. Unfortunately, he recognizes that cable TV and VCR's are not universally available. However, most households can receive a PBS station.

Mr. Keeshan concluded by reminding us we need more than a change in legislation, we need a change in attitude. Society often talks about how important our children are, but we rarely do anything about it. "If we had a change in attitude we would not have to say to broadcasters: This is a special audience, and you have to treat it in a special way. It is vulnerable. You can't sell children the way you sell a 30-year-old audience." "If we had different attitudes, you wouldn't have to tell them that. But, we don't" he conceded. "Now, the only protection a child watching television has is a thinking parent."•

A TRIBUTE TO STANFORD

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Stanford in Lincoln County.

Stanford is a small county seat located in central Kentucky about 45 miles south of Lexington. Stanford's unique topography includes the gently rolling fields of the Bluegrass region, the hilly woodlands of the Knobs, and the plateaus and fertile valleys of the Pennyrile region.

In 1775, Col. Benjamin Logan built a fort west of present-day Stanton named St. Asaph. However, the settlement soon assumed the name Fort Logan to honor the founder. It was not until 1798 that the name Stanford was selected, presumably after the town of Stamford in Lincolnshire, England.

Today, Stanford is a progressive town with nearly 3,000 residents. Current projects to improve the town include a new reservoir, 27 new miles of water service outside the city limits, two new schools, and a proposed 700-acre recreation lake east of the town.

Although Stanford is moving toward growth and expansion, there is a strong feeling that the small-town charm will be preserved. Visitors at Coleman's Rexall Drugs can indulge in old-fashioned chocolate Cokes, shakes, and sundaes at a cherry and marble backbar which has hosted many generations. Residents strolling through downtown Stanton can enjoy the historic architecture thanks to zoning regulations which protect the buildings from demolition, and plans to build a walking trail on the old L&N depot railroad beds are being considered.

I commend the people of Stanford as they move into the future, yet still maintain close ties with the past. These efforts make Stanford one of Kentucky's finest towns.

Mr. President, I ask that an accompanying story from Louisville's Courier Journal be submitted in today's RECORD.

The article follows:

STANFORD

(By Byron Crawford)

Years ago there was a large sign on the outskirts of the Lincoln County seat that read: "Stanford—Kentucky's second oldest town—where tradition welcomes progress."

Welcome though it may be, progress has struggled to match tradition in the usually quiet, history-rich town of 2,700 that is balanced on the not-so-imaginary topographic line between Kentucky's Bluegrass region and the Knobs.

In 1775, when Col. Benjamin Logan built a fort west of the present-day town, the settlement was called St. Asaph. A Welshman in Logan's party is said to have suggested the name because the party arrived on May 1st, the feast day of the 6th century Welsh saint. A small creek that flows from Buffalo Springs near where the fort stood still bears the name St. Asaph, although the early settlement soon came to be known as Fort Logan.

During a siege of the fort in 1777 the fearless Logan left the small garrison of pioneers and set out alone on a 10-day journey to bring back desperately needed ammunition that enabled the beleaguered fort to stand against its Indian attackers.

Folklore holds that the name Stanford, chosen in 1798 for the post office, derived from "standing fort." However, Kentucky place name researcher Robert Rennick believes Stanford to be a namesake of the Lincolnshire, England, borough of Stanford. The obvious name association between Lincolnshire and Lincoln County may have prompted the selection.

Minor Cash, who spent much of her life teaching history at Stanford High School,

remembers her classes taking walking field trips to the site of Fort Logan and to Buffalo Springs, which watered the fort and later the town of Stanford for years after Main Street—once a buffalo trial—had been paved.

"I used to say to my history class, 'Look out the window and see the Wilderness Road,'" Cash said. The western extension of the Wilderness Road passed the school and eventually become known as U.S. 150.

"Right this minute, I know I ought to be in a nursing home, but I don't want to leave Stanford. It's a very friendly town," she said. "Nobody would have the nerve that I have. I call Wal-Mart and say, 'Do you have so and so? How much is it? Will you bring it out to the car if I'll have exact change?' And they'll do that for me. . . . All the stores will do that for me, and I think it's wonderful."

Mayor Jack Withrow, a native of Ashland, commuted to his Lexington job from Stanford for 33 years before retiring. He made the trip because he wanted to raise his family in a small town.

"I believe most people think of us more as part of Central Kentucky than Southeastern. We're just about a border town," said Withrow.

"I'm not one to wish for Stanford to be a big town. We're never, in my opinion, going to be a big town. But I think we're going to grow in the next five years, quite a bit," Withrow said. "We need some industry . . . but I think a small town with a large industry is a dangerous situation. You can't have industry unless you have the water, sewer and utilities to take care of them, and I think we're getting ourselves in that position."

Withrow points to a new reservoir, 27 miles of new water service outside the city limits, major sewer renovation, upgrading of the fire department, 911 emergency telephone service and a new comprehensive plan for the city that will include zoning regulations to protect Stanford's historic architecture, as signs of quality growth. The city recently acquired the abandoned L & N depot from CSX Corp., and planners have considered building a walking trail on the old railroad bed through town.

There is still room for more plants in Stanford's industrial park, but one of the two industries there is expanding. A new middle school is being built on the south end of town, and land has been bought on the north end for a new elementary school, near a bank and supermarket that are already under construction. Nearby is the Sunset Motor Lodge, a 1950s-era motel with the best neon sign in town, and across the road is a stately residence, known in frontier days as Bright's Inn, where George Rogers Clark, Isaac Shelby, Henry Clay and other early Kentucky heroes often visited.

A new stretch of highway on the outskirts of town will eventually link U.S. 27 and U.S. 150 traffic with a proposed 700-acre recreation lake east of Stanford, near the historic William Whitley House. The home, reputed to be the first brick house built in Kentucky, overlooks the earthen remnants of what historians claim was Kentucky's first circular horse track.

A bypass has already become the center of commercial activity in Stanford. Along its corridor there is a small shopping center, numerous fast-food restaurants and convenience markets, and a hardware, tack and gift shop operated by Leroy Boone, who moved his store to the bypass from downtown several years ago.

Boone—whose family tree can be traced to Daniel Boone's brother, Squire—grew up helping his late father in the family's feed mill on a side street in downtown Stanford. But he started a hardware store and moved the business to Main Street after his father's death. A few years ago, he moved again, to his location on the bypass, just down the road from Wal-Mart.

"We just try to handle what they won't handle," Boone said. "It's good to have strong competition if you're both about the same price range, but when one can buy it and sell it at your cost, that's not competition. They'll buy probably 10 times as many lawn mowers as the people I buy from, so they just get them so much cheaper. They really don't put anything into the future of this county. Most of the money that goes to Wal-Mart is drawn out of the bank by the time it's deposited. . . but what little the family businesses here can get hold of has to stay here."

Only a few old family businesses survived the exodus from downtown. Saufley Implement Co., Severance's Store and Gaines Furniture, which is located in the old St. Asaph Hotel, are still operating on Main Street, along with Pat Sanders' and Earl Taylor's barbershops. At Coleman's Rexall Drug Store, a 1919 model cash register still rings up sales of fountain Cokes, chocolate Cokes, cherry smashes and old-fashioned shakes and sundaes, made at the ornate, mirrored, cherry and marble backbar that has been for generations a looking glass for customers.

Thomas Jefferson "T.J." Hill III, a local lawyer and former state legislator whose grandfather was born on July 4, 1853, and who has a son carrying the Thomas Jefferson name into its fourth generation, has been observing politics and local goings-on in Stanford since soon after he finished law school at Washington and Lee University.

Hill and many of the other townspeople who gather at Coleman's Drug Store for coffee and conversation each day believe that the most profound personality change in Stanford may have occurred when Lincoln County schools were consolidated into a central high school at Stanford in 1975. Consolidation, they say, has changed not only Stanford's identity, but that of all the other small towns in the county which, for generations, had a fierce cross-county competition with Stanford in sports, business and politics.

A downtown fire several years ago that destroyed nearly half a city block across from the Lincoln County courthouse has also changed the face of Stanford. Three historic buildings were destroyed and have not been replaced.

Yet there are numerous bright spots in the community.

One of them is Stanford Wood Products Inc., where a few skilled designers and craftsmen build exquisite interior furnishings of mahogany, prime native hardwoods and imported exotics for lavish boardrooms, bank lobbies and other upscale interiors from Manhattan to Hawaii. The company, whose work force varies from 25 to 45 employees, has designed and built everything from the interiors of multimillion-dollar yachts to the pedestal for college football's Heisman Trophy.

Company president Dick Faulkner knows the name Stanford Wood Products may not be elegant enough for some of his more sophisticated customers, but he doubts the name will ever be changed. Though he has never advertised, a national clientele still beats a path to his door.

Faulkner recalls a visiting German technician, who apparently thought that the company had to be located somewhere on the East Coast, asking, "Where is the ocean?"

Joe Grimes, a local historian and retired insurance agent, remembers that Ed Walton, one-time editor of The Interior Journal, often wrote in the town's oldest newspaper, "Stanford is the best town on the map."

"I grew up with that, and I've always believed it," said Grimes. "We have as good a people here in Lincoln County as there are in Fayette County. We just don't have as many of them."

Retired district judge and former state legislator Marvin Cornett, when asked about the quality of life in Stanford or projections about the town's future growth, looked up from this coffee at Coleman's Drug Store with a thoughtful answer that sparked approving laughter from the coffee crown.

"Well, it's a good place to live," he said, "and frankly, I think maybe it's grown all it needs to. Overpopulation is becoming a problem, and I don't want it to become one here."

Population (1990): Stanford, 3,686; Lincoln County, 20,045.

Per capita income (1990): $10,316 or $4,649 below the state average.

Jobs: State/local government, 709; wholesale/retail trade, 664; services, 484; manufacturing, 382; finance, insurance, real estate, 113; contract construction, 131.

Big employers: Caramichrome Inc. hobby craft paint, ceramic bodies and colors, 80 employees; Harry Krasne Manufacturing, automotive disk brakes, 69; E.D. Bullard Co., protective headgear, 61.

Transportation: U.S. 27 and U.S. 150, air service from Bluegrass Airport, Lexington, 42 miles from Stanford, Goodall Field, 8 miles Northwest of Stanford. Truck—20 common carriers serve Stanford.

Media: Newspapers—Interior Journal, Lincoln Ledger, both weeklies, Radio—WRSL-AM and FM (country and gospel). Lexington television stations serve the community.

Education: Lincoln County High School, enrollment 1,169; Stanford Elementary and Middle school, enrollment 740.

Topography: Lincoln County has three distinct topographic regions—the gently rolling Bluegrass, the Knobs, marked by hilly woodlands, and the Pennyroyal, with upland plateaus and fertile valleys.●

ORDER OF BUSINESS

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

The PRESIDING OFFICER. (Mrs. MURRAY). Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, March 17; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be

a period for morning business, not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: Senators THURMOND, GORTON, DURENBERGER for up to 10 minutes each; Senator BAUCUS for up to 20 minutes; Senator GRAMM for up to 15 minutes; Senators ROBB and WARNER for a total of up to 15 minutes and Senator GRASSLEY for up to 5 minutes; that at 11:30 a.m., the Senate resume consideration of S. 460 with the time, until 12 noon, equally divided and controlled between Senators FORD and MCCONNELL; that at 12 noon, the Senate, without intervening action or debate, vote on the motion to invoke cloture on the motor-voter bill, S. 460; further that relative to this cloture vote, Senators may file first-degree amendments until 10:15 a.m., on Wednesday; and Senators may file second-degree amendments until 11:30 a.m., Wednesday.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Madam President, I ask unanimous consent the Senate stand in recess based on the previous order.

There being no objection, the Senate, at 7:47 p.m., recessed until tomorrow, Wednesday, March 17, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 16, 1993:

FEDERAL EMERGENCY MANAGEMENT AGENCY

JAMES LEE WITT, OF ARKANSAS, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE WALLACE ELMER STICKNEY, RESIGNED.

DEPARTMENT OF STATE

JOAN E. SPERO, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR ECONOMIC AND AGRICULTURAL AFFAIRS, VICE ROBERT B. ZOELLICK.