

HOUSE OF REPRESENTATIVES—Tuesday, April 26, 1994

The House met at 10:30 a.m. and was called to order by the Speaker.

MORNING BUSINESS

The SPEAKER. Under the Speaker's announced policy of February 11, 1994, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning business for 5 minutes.

HEALTH CARE REFORM

Mr. KNOLLENBERG. Mr. Speaker, many of my colleagues would have the American people believe that a Government-run, Big Brother-like health care delivery system is not only necessary, but rather a must. This ill-informed argument is almost always supported by the word crisis.

In my estimation of this appraisal, crisis implies panic and bigger Government—a lack of faith in the individual. I believe that the United States has the finest health care in the world.

Our employer-based system covers between 85 to 87 percent of all Americans, and in my home State of Michigan over 90 percent are covered.

As a former small business owner, I understood all too well the state of our Nation's health care delivery system. Day-in and day-out, I had the opportunity to help my employees and clients deal with the crush of burdensome paperwork, interpreting confusing policy language, and making sure that their health dollars were not wasted.

Now as a Member of Congress who campaigned on reform, specifically health care reform, I am still wrestling with these and other equally difficult health issues.

Individuals may suggest that it is easy for me and a few of my colleagues to take a no crisis position because the taxpayers are funding our health care benefits. In my case, they are wrong. My wife, Sandie, and I have chosen not to participate in the congressional health plan. Instead, we selected a private plan outside the congressional system that meets our needs.

Does this mean that there aren't problems? Certainly not. Americans deserve health care reform that includes the following:

Portability of coverage—no one should lose their health care coverage due to changes in their employment status.

Costs of coverage must come down—so-called community rating is anything but reflective of the community. Rates should accurately reflect costs

associated for that individual rather than a region or age group.

An end to the preexisting conditions exclusion—no one should be denied coverage merely on the basis of whether or not they have had a specific illness or disability.

Technology needs to be introduced to help reduce needless paperwork—the industry has been studying electronic conversion for several years, and with mounting health care costs, there is no time like the present to put this change into effect.

The self-employed need a tax deduction—by and large, the self-employed are small business persons who are providing as much insurance as they can afford. Is another tax the proper way to reward these people?

And finally, significant steps must be taken to ease burdensome litigation brought on by malpractice suits.

These challenges posed by the health care debate revolve around self-determination versus Government-run bureaucracy. All of these elements are central provisions of Congressman MICHEL's bill H.R. 3080—a reasonable, commonsense approach to rational health care reform.

I believe in the individual and the spirit of free-market competition. And it is this fight Republicans are taking to Capitol Hill, and it is one we will ultimately win, guaranteeing quality care for all Americans.

TRIBUTE TO CAROL KOUSNETZ STERKIN

The SPEAKER pro tempore (Mrs. CLAYTON). Under the Speaker's announced policy of February 11, 1994, the gentlewoman from Virginia [Mrs. BYRNE] is recognized during morning business for 5 minutes.

Mrs. BYRNE. Madam Speaker, I rise today to pay tribute to a remarkable scientist, wife, and mother whose contributions to the American scientific community deserve our highest accolades and profound admiration.

Although an accomplished scientist in her own right, Carol Kousnetz Sterkin will be most remembered as the legendary head of the Literature Search Function at the Jet Propulsion Laboratory [JPL] in Pasadena, CA, a position she held with distinction for the past 30 years.

Ms. Sterkin's passions were in research and technical writing. At the Jet Propulsion Laboratory Library, she combined the research skills of a librarian with the knowledge of a scientist.

She was a pioneer in the development of global access to on-line scientific and technical data bases and was one of the original developers of on-line information systems that provide scientists worldwide with the capability to share and pool knowledge. Until the time of her death, she remained one of the world's ranking experts in this field.

One of the Jet Propulsion Laboratory's principal scientists said of Ms. Sterkin that "she knew so much it will be absolutely impossible to replace her." The truth of this statement is borne out by the fact that her position remains vacant.

Her loss will be felt, not only by her family and community, but throughout the scientific world for a long time. I ask my colleagues to join me in honoring a truly great American, Carol Kousnetz Sterkin.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. HORN] is recognized during morning business for 5 minutes.

Mr. HORN. Madam Speaker, it is time for real reform of campaign finance. S. 3, passed by the Senate, was a constructive bill. As amended by this House, it is not a constructive bill. It is a sham.

Let us take a moment to look at the claims made by the sponsors of the so-called campaign finance reform in this Chamber and at the reality of what this bill would really do.

Claim one: The House Democrats say S. 3 as amended by them, institutes spending limits.

The reality: Only a small number of campaigns will even come close to the proposed spending limit. The reality is that for most campaigns, the so-called limit only means taxpayer financing.

Claim two: S. 3, as amended by this House, will presumably limit political action committees.

The reality: That is false. House Democrats consider the \$5,000 political action committee donation that can be made in each election—primary and general for a total of \$10,000—simply a sacred cow that is untouchable, and not even open to any compromise.

House Republicans, on the other hand, endorsed a ban on all political action committees. Senate Republicans, and even Senate Democrats, did exactly the same. All but the House Democrats support a ban on political action committees. Only House Democrats block action on such a ban.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Claim three: The House Democrats claim that this bill will level the playing field between incumbents and challengers.

The reality: The entire bill is unfair to challengers. That is why the House Democrats have controlled the House for 39 years. They do not want a bill that will permit a level playing field. That is why they do not include the franking budgets for mail for the incumbents, we—both Republicans and Democrats. Those franking budgets can pay for thousands and thousands of pieces of unsolicited mail as an election comes near.

This money gives incumbents a massive advantage over any possible challenger.

Claim four: There will be increased disclosure and audits of campaign finances if this bill passes.

□ 1040

The reality: Audits will be difficult to do, since the Clinton administration has reduced the funding available for the Federal Election Commission. In 1992, every Presidential campaign that accepted taxpayer funding faced an audit. Under S. 3, as amended by the majority in the House of Representatives, only 5 percent of the congressional campaigns that accept taxpayer dollars will face random audits.

It is one thing for the House to have audits of Presidential campaigns; it is another thing for the House Democratic majority not to want to audit its own expenses. But does that bias really surprise any of us?

Should the taxpayers just accept the congressional candidate's word that indeed the money has been spent appropriately? Of course not. If we are going to give taxpayer money to any campaign, Presidential or House Member, as the Democrats propose, then the taxpayers at least deserve to know that their money has been spent appropriately.

Claim five: The proposed bill will reform campaign spending.

The reality: To quote the bill—the bill the House Democrats forced down this Chamber's throat—the bill says, "This act shall not be effective until the enactment of revenue legislation."

And the Democratic majority has made absolutely no provision in this bill for how you would fund it. No realistic revenue options have yet been introduced and the revenue ideas that have been proposed so far are more of a sham than the other so-called reforms, all of which are shams.

Democrats claim that in this bill they have reforms. They do not.

Claim six: This bill cleans up campaigns.

The reality: The Federal Election Commission banned congressional staff from loaning or donating money to the campaigns of their bosses. Such donations are an obvious conflict of interest

and an opening to extortion of one's staff.

Section 506 of this bill inserts a loophole for advances on amounts up to \$500. In California, I should remind my colleagues, four current and former members of the State legislature have been indicted by the U.S. attorney and convicted of extortion-related offenses that involve campaign finance. Is it really time to open up new loopholes at the Federal level?

Claim seven: Republicans are blocking reform.

The reality: That is so silly, it is laughable. The Democrats are the majority in the House. Anything they want to pass, they can pass. Anything they want to block, they can block.

The Democratic majority blocked the only bipartisan bill—the so-called Synar-Livingston bill—from even coming to the floor. While that bill did not totally ban political action committees, it at least cut them from the \$5,000 per election they can now give to one candidate down to \$1,000 per election. The majority party strangled that progressive proposal in the Committee on Rules. It was afraid the proposal would pass, as it would have if Members could have voted on the measure.

All I can say, my colleagues, is that this Chamber should be ashamed of the action it took earlier.

Republicans oppose the public financing of campaigns. Thoughtful Americans oppose the public financing of campaigns. In reality, House Democrats themselves must oppose public financing of campaigns, since they will not provide funding for it. Even Democrats know that public financing is a bad idea.

Republicans stand ready to work with the Democrats on a real reform bill. We do have concrete proposals that will truly change the way campaigns are run.

We support a ban on political action committees.

We support a ban on soft money.

We support a ban on contribution bundling by special interest groups.

We support a requirement that candidates raise most of their money from the voters in the district—not from the special interest groups in Hollywood, New York, and Washington, DC.

Many Republicans and Democrats support similar goals. The Senate Democrats and Republicans agree. The House Democrats should yield to the Senate in conference. If they do not, let us come together on a bipartisan reform bill. A real reform bill.

MOVING BEYOND TIANANMEN: LEARNING THE LESSONS OF CHINA POLICY

The SPEAKER pro tempore (Mrs. CLAYTON). Under the Speaker's announced policy of February 11, 1994, the

gentleman from Kansas [Mr. GLICKMAN] is recognized during morning business for 5 minutes.

Mr. GLICKMAN. Madam Speaker, tomorrow the country buries Richard Nixon, the President who will be remembered both for his far-sighted foreign policy and his disastrous involvement in the Watergate scandal. Today I wish to talk for a few minutes about our country's China policy, recognizing that the timing of Mr. Nixon's death provides a unique opportunity to focus the future of United States-China relations.

Few would have predicted, 5 years ago, the changes that have reshaped the world. The Berlin Wall is a museum piece; former Warsaw Pact states apply to join NATO, but the cold-war paradigms and 5-year-old memories of Tiananmen Square still define United States-Chinese relations.

Ironically, the first post-cold-war administration has yet to articulate a clear post-cold-war policy toward China. The administration correctly elevated Asia to the more prominent position it deserves in U.S. foreign policy. A sampling of the geopolitical landscape illustrates that as important as Tokyo and Seoul are to the United States, the fate of United States-Asian interests will rest on Beijing.

China may not be able to dissuade the North Koreans from their nuclear ambitions, but its leverage over North Korea will be essential for defusing the Korean nuclear problem. It will take China's cooperation to cool the arms race between India and Pakistan as well as deal with the simmering instability in the central Eurasian states of the former Soviet Union, as well as taking into account the great instability faced by the Russian Government itself.

A stable China is a necessary element for stability in all these regions. The administration is not alone in recognizing China's importance to the United States. Iran has already approached Beijing, proposing an Iranian-Chinese alliance to counter the United States, as well as, no doubt, to give Iran a freer hand for its regional expansionism. Although the first entreaty was rebuffed, it ought to send a signal to us that the United States runs a risk in putting off China and keeping China separate from us. If the United States can make peace with the old Soviet Union, the archenemy we faced on the brink of nuclear annihilation for nearly five decades, surely we can bring ourselves to move beyond the searing images of Tiananmen Square that seem to exclusively drive China policy. To do less threatens not only the complexity of the geopolitical interests in the world but jeopardizes an incredible opportunity to participate in China's economic and political revolution and help to moderate their political system and help to moderate their human rights treatment.

MFN status—most favored nation status—the cold war relic underlying our China policy, should not be the basis for the entire United States-Chinese relationship. That was created constructively to pry exit visas out of the hands of the Soviets. Moreover, there was little risk to United States interests denying MFN to Russia. Contemporary China, which beckons a rush of eager investment from dozens of countries, is much different.

The President, during his campaign, stitched together a winning coalition addressing basic economic themes and resisting the pressures of certain interests who for years damaged the Democratic Party credibility with the public on issues of foreign policy and national security. NAFTA is perhaps the greatest example of this.

The fact of the matter is that China has been an exception. In spite of the fact that China's economy is the most robust in the world right now, China is not the enemy. Instead of threatening Beijing with the trade equivalent of a nuclear strike, we should be promoting measures to build confidence into the relationship as well as throughout the region. The most immediate objective should be addressing regional security and stability, weapons proliferation, and strengthening trans-Pacific economic ties. These directly threaten United States lives and interests just as much as Chinese human rights policies do.

Rather than pursuing a policy based exclusively on human rights, a nonlinear approach to bilateral relations that respects China's role as an emerging world leader will do far more to improve China's bleak record on human rights than a relationship exclusively focused on China's dissidents.

The United States has a special role in insisting that governments respect the dignity of their citizenry. But given the torturous history of China's relations with Western nations and its historic antipathy toward both Russia and Japan, success with China will depend on a whole range of factors beyond specific performance standards, preconditions, and expanding trade relationships.

Let me close by saying the following: Richard Nixon recognized that a strong China allied with the United States could divide the Communist world and perhaps lead to the breakup of the world Communist system. We need to recognize that China is a powerful moderating force against a nuclear Korea, against an unstable Russia, and against a worldwide unpredictable terrorist threat, not even taking into account the exploring economic growth in East Asia.

Finally, it is absolutely clear to me that Chinese treatment of its citizens does need serious attention. But treating China as an equal partner of the world will give us much greater moral

authority to improve their domestic human rights than the current policy being proposed by many people throughout this country.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mrs. CLAYTON). The gentleman will state it.

Mr. LIVINGSTON. Madam Speaker, is it permissible for me at this time to withdraw my name from cosponsorship of an amendment by unanimous consent?

The SPEAKER pro tempore. The Chair is informed the gentleman will have to get that permission when the House reconvenes at 12 noon to conduct business.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized during morning business for 5 minutes.

Mr. LIVINGSTON. Madam Speaker, the House and Senate Democrats are currently meeting behind closed doors to craft a partisan campaign finance bill that they claim will bring reform to the election process.

However, press reports indicate that this bill will actually deliver permanent incumbent protection along with public financing of campaigns.

Not only will they impose sham limits on campaigns that could run in excess of \$1 million per campaign, but the Democrats are actually going to vote to give themselves and all other candidates running for the House and Senate up to more than \$300,000 in taxpayer funds, to use in their campaigns.

Those taxpayer's funds are often known as welfare for the politicians. Any advocate of true campaign finance reform believes that we must reform the rules governing special interest Political Action Committee contributions. Current law allows \$5,000 PAC contributions, which go overwhelmingly to incumbents. PAC's gave \$94 million to House incumbents and only \$12 million to House challengers in the 1991-92 election cycle. It is no wonder then that the so-called reform bill under consideration by the Democrats would maintain \$5,000 PAC contributions, which favor incumbents and protect the Democrat majority in the Congress.

Reports indicate that the Senate Democrats understand that PAC reform is necessary for any real campaign reform bill, and they may include a PAC ban or a \$1,000 PAC limit. It is too bad that the House Democrats cannot join the House Republicans, and the Republicans and Democrats in the Senate who support real PAC reform.

Any genuine reform bill must also address bundling which allows special

interests to bundle many individual checks together to evade PAC contribution limits and gain disproportionate influence. House Republicans would ban bundling. House Democrats claim to ban bundling, but they create a giant loophole for nonconnected PAC's such as Emily's List which, coincidentally support Democrat candidates. This is not reform, it is incumbent protection.

The House Democrats also seem intent on crafting a loophole for leadership PAC's which allow congressional leaders to form two campaign committees and take twice as many contributions as would be allowed with only one campaign committee. This is another step back from true reform. House Republicans would ban leadership PAC's.

The so-called good government groups are conspiring with the Democrats to pass this incumbent-protection scheme in order to implement Common Causes's dream of public financing. The Democrats are committed to providing themselves with taxpayer funds to pay for their campaign expenses. What's worse is that the Democrats will not admit where the money will come from to pay for the welfare for politicians.

Democrats do not like to admit that when they provide money from the U.S. Treasury for their own campaigns, they are taking money from the taxpayers. However, the taxpayers will understand, and they will vote.

I implore the Democrats to end their closed-door meetings and to negotiate with Republicans to craft a true campaign finance reform bill. In fact, Minority Leader MICHEL, Minority Whip GINGRICH, House Administration Ranking Member THOMAS, and myself sent a letter to Speaker FOLEY asking for bipartisan input on this issue.

I include for the RECORD this letter from Mr. MICHEL to Mr. THOMAS FOLEY, Speaker of the House of Representatives.

OFFICE OF THE REPUBLICAN LEADER,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 1994.

HON. THOMAS FOLEY,
Speaker, House of Representatives, Washington,
DC.

DEAR MR. SPEAKER: We understand that Democrats have been meeting behind closed doors on campaign reform prior to appointment of a conference committee. This signals that the majority believes it alone can write a campaign reform conference report that passes in both houses. We are not so confident.

We wholeheartedly agree with your strong public statements that the Congress should enact meaningful campaign reform in 1994. House Republicans have long argued that campaign reform is needed, and have presented legislation offering real reform.

Unfortunately, both bills now awaiting appointment of conferees contain provisions for the public financing of campaigns, and the House bill does not contain a mechanism to pay for this public financing.

We remain opposed to public financing. We are also opposed to telling the American peo-

ple that we have enacted "reform" when, without a funding mechanism, such reform will never occur. Rather than attempt to pass a flawed conference agreement that does nothing, we stand committed to achieving real reform this Congress.

We believe that real reform must contain significant reforms on political action committees, Leadership PACs, bundling, and political party soft money. We are committed to working with you to achieve these goals.

ROBERT H. MICHEL.

□ 1050

TRIBUTE TO CHRISTOPHER ANDREW HEIL UPON HIS RETIREMENT AS AN OFFICIAL REPORTER OF DEBATES OF THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mrs. CLAYTON). Under the Speaker's announced policy of February 11, 1994, the gentlewoman from Maryland [Mrs. MORELLA] is recognized during morning business for 5 minutes.

Mrs. MORELLA. Madam Speaker, my colleagues may have noticed that there has been considerably less shorthand written on the House floor this year. With the retirement of Christopher Andrew Heil from the staff of the Official Reporters of Debates in March, the end of the era of legislative stenographic reporting by the use of manual shorthand systems comes inexorably closer. It is hard to imagine that in 1973, when Chris joined the House staff, there were no stenotype or machine writers; all the floor reporters used either the Gregg or Pitman system, following in the tradition of Charles Dickens, who studied human nature and honed his literary craft as a stenographic Hansard reporter in the British House of Commons.

With his retirement, Chris knows that though all good things must end, other good things await. With his wife Agnes, he now finds time to visit his four children and his grandchildren located throughout the Capital and Atlantic coast region. An accomplished photographer, both as an amateur and at one time a professional, he now looks forward to satisfying his passion of recording the beauties of nature on film.

A native of Summit County and Akron, OH, Chris graduated from Columbia Union College in Takoma Park, MD and later, from 1948 to 1950 received his professional training as a court reporter at Gregg College in Chicago. His career as a reporter, specializing in the reporting of court trials, depositions, statements, and arbitration and Government agency hearings, took him to Cleveland, where he was employed by the reporting firm of Fincun, Hagan and Morse, and Toledo, OH, where he owned and operated his own free-lance reporting firm prior to a brief stint as a floor reporter in the U.S. Senate and his permanent appointment on the House staff.

One day in the life of Chris Heil—June 6, 1944, D-Day—stands out above all others. As a U.S. Army combat engineer expert, trained in mine detecting, he landed on Omaha Beach as part of a vanguard force clearing the way for Gen. Omar Bradley's 1st Infantry Division spearheading the Allied invasion of France's Normandy coast. His survival is an incredible story of devotion, bravery, and luck. It was a productive day; the mission went well until late on that fateful day when both Chris and his mine detector were put out of action by enemy fire. Amid the death and destruction that seemed never-ending, Chris, through heroic efforts of U.S. Army and Coast Guard personnel, was evacuated. Six months later, with the wound to his left leg nearly healed, he was reassigned to duty as a combat engineer on the European continent. In Belgium, he was wounded again when a building he occupied was bombed. Later, after sweating out an impending reassignment to the Pacific theater, the war ended and Chris came home.

Like so many of his contemporaries, Chris took advantage of the G.I. Bill of Rights to train for his chosen profession—a profession he had never heard of before his Army service. It was in a hospital in Swansea, Wales, that Chris, clamoring for scarce reading material as he recovered from the wounds he had suffered on D-Day, was given a Gregg shorthand textbook. With nothing better to read, he thumbed through the pages and found himself developing an interest. Interest turned to fascination, and thus was born a resolve to become a shorthand expert.

After Chris recuperated and returned to the front, he referred often to the shorthand textbook which he had retained and even found time to practice what he had learned. Once, so the story goes, he was observed as he stood guard at night on the perimeter of his encampment moving his bayonet through the surface of a patch of snow that lay on the ground.

"What are you doing, Heil?" asked a puzzled comrade.

There was nothing for it but the truth, as improbable as it may have sounded. "Just practicing my shorthand," Chris answered.

Madam Speaker, our thanks go out to Chris for his years of service, his expertise, and his professionalism as an employee of the House, and we would note, too, that certainly his unselfish defense of his country and our liberties deserve the thanks of all Americans.

□ 1100

RECESS

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 11 a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

O gracious God, from whom comes the gift of life and the blessings of faith and to whom we return at life's end, we remember with gratefulness all those who have gone before and whose lives make our lives more complete. May our hearts be filled with the awareness that we do not have here an abiding city and we are but stewards of Your many graces that are given each day. May we so live our lives in appreciation of the gifts that are new each morning that through our words and deeds, we will be the people You would have us be and do those good things that honor You, O God, and serve people with faithfulness and honor. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. EVERETT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 205

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Richard M. Nixon, a former President of the United States, a former Vice President of the United States, a former Representative and former Senator from the State of California.

Resolved, That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation,

and as a mark of respect to one who has held such eminent public station in life, the Presiding Officer of the Senate appoint a committee to consist of all the Members of the Senate to attend the funeral of the former President.

Resolved, That the Senate hereby tender its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, April 22, 1994:

H.R. 2884. An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The SPEAKER. Without objection, the bill, H.R. 4092, is laid on the table. There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 26, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, April 25, 1994 at 5:40 p.m. and said to contain a message from the President whereby he transmits a 6-month periodic report on the national emergency with respect to Haiti.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

SIGNIFICANT DEVELOPMENTS IN HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-246)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

1. In December 1990, the Haitian people elected Jean-Bertrand Aristide as their President by an overwhelming margin in a free and fair election. The

United States praised Haiti's success in peacefully implementing its democratic constitutional system and provided significant political and economic support to the new government. The Haitian military abruptly interrupted the consolidation of Haiti's new democracy when in September 1991, it illegally and violently ousted President Aristide from office and drove him into exile.

2. The United States, on its own and with the Organization of American States (OAS), immediately imposed sanctions against the illegal regime. The United States has also actively supported the efforts of the OAS and the United Nations to restore democracy to Haiti and to bring about President Aristide's return by encouraging and facilitating a political process involving all the legitimate Haitian parties. The United States and the international community also offered material assistance within the context of an eventual settlement of the Haitian crisis to support the return to democracy, build constitutional structures, and foster economic well-being.

In furtherance of these twin objectives—restoration of constitutional democracy and fostering economic recovery—as discussed in section 10 below, the United States has taken additional measures to block the U.S.-located assets of persons (civilian as well as military) whose conduct, or material or financial support, has assisted the illegal maintenance of the illegitimate regime in Haiti, including persons obstructing the U.N. Mission in Haiti or the implementation of the Governors Island Agreement, and persons perpetuating or contributing to the violence in Haiti. In addition, in an effort to stabilize employment and minimize economic hardship for the local populace in Haiti, U.S. persons currently licensed to deal with the vital Haitian assembly sector have received reauthorization through May 31, 1994.

3. This report is submitted to the Congress pursuant to 50 U.S.C. 1641(c) and 1703(c), and discusses Administration actions and expenses since my last report (November 13, 1993) that are directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Orders Nos. 12779, 12853, and 12872.

4. Economic sanctions against the *de facto* regime in Haiti were first imposed in October 1991. On October 4, 1991, in Executive Order No. 12775, President Bush declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 Fed. Reg. 50641). In that order, the President ordered the

immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. The Executive Order also prohibited any direct or indirect payments or transfers to the *de facto* regime in Haiti of funds or other financial or investment assets or credits by any U.S. person, including its overseas branches, or by any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, On October 28, 1991, President Bush issued Executive Order No. 12779, adding trade sanctions against Haiti to the sanctions imposed on October 4 (56 Fed. Reg. 55975). This order prohibited exportation from the United States of goods, technology, services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempted trade in publications and other informational materials from the import, export, and payment prohibitions and permitted the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States. On February 5, 1992, it was announced that specific licenses could be applied for on a case-by-case basis by U.S. persons wishing to resume a pre-embargo import/export relationship with the assembly sector in Haiti.

5. On June 30, 1993, I issued Executive Order No. 12853 that expanded the blocking of assets of the *de facto* regime to include assets of Haitian nationals identified by the Secretary of the Treasury as providing substantial financial or material contributions to the regime, or doing substantial business with the regime. That Executive order also implemented United Nations Security Council Resolution ("UNSC Resolution") 841 of June 16, 1993, by prohibiting the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of petroleum or petroleum products or arms and related materiel of all types to any person or entity in Haiti, or for the purpose of any business carried on in or operated from Haiti, or promoting or calculated to promote such sale or supply. Carriage of such goods to Haiti on U.S.-registered vessels is prohibited, as is any transaction

for the evasion or avoidance of, or attempt to evade or avoid, any prohibition in the order.

6. As noted in my previous report, apparent steady progress toward achieving the firm goal of restoring democracy in Haiti permitted the United States and the world community to suspend economic sanctions against Haiti in August 1993. With strong support from the United States, the United Nations Security Council adopted Resolution 861 on August 27, 1993, suspending the petroleum, arms, and financial sanctions imposed under UNSC Resolution 841. On the same day, the Secretary General of the OAS announced that the OAS was urging member states to suspend their trade embargoes. In concert with these U.N. and OAS actions, U.S. trade and financial restrictions against Haiti were suspended, effective at 9:35 a.m. e.d.t., on August 31, 1993.

These steps demonstrated my determination and that of the international community to see that Haiti and the Haitian people resume their rightful place in our hemispheric community of democracies. Our work to reach a solution to the Haitian crisis through the Governors Island Agreement was however seriously threatened by accelerating violence in Haiti sponsored or tolerated by the de facto regime. The violence culminated on October 11, 1993, with the obstruction by armed "attachés," supported by the Haitian military and police, of the deployment of U.S. military trainers and engineers sent to Haiti as part of the United Nations Mission in Haiti. The Haitian military's decision to dishonor its commitments made in the Governors Island Agreement was apparent. On October 13, 1993, the United Nations Security Council issued Resolution 873, which terminated the suspension of sanctions effective at 11:59 p.m. e.d.t., October 18, 1993.

As a result, effective at 11:59 p.m. e.d.t., October 18, 1993, the Department of the Treasury revoked the suspension of those trade and financial sanctions that had been suspended, so that the full scope of prior prohibitions was reinstated (58 Fed. Reg. 54024, October 19, 1993). In addition to the actions I took in Executive Order No. 12853, the reinstated sanctions in the Haitian Transactions Regulations, 31 C.F.R. Part 580 (the "HTR"), prohibit most unlicensed trade with Haiti, and block the assets of the de facto regime in Haiti and the Government of Haiti. Restrictions on the entry into U.S. ports of vessels whose Haitian calls would violate U.S. or OAS sanctions had they been made by U.S. persons were also reinstated.

Also effective at 11:59 p.m. e.d.t., October 18, 1993, I issued Executive Order No. 12872 (58 Fed. Reg. 54029), authorizing the Department of the Treasury to block assets of persons who have: (1) contributed to the obstruction of UNSC

resolutions 841 and 873, the Governors Island Agreement, or the activities of the U.N. Mission in Haiti; (2) perpetuated or contributed to the violence in Haiti; or (3) materially or financially supported either the obstruction or the violence referred to above. This authority is in addition to the blocking authority provided for in the original sanctions and in Executive Order No. 12853 of June 30, 1993, and ensures adequate authority to reach assets subject to U.S. jurisdiction of military and police officials, civilian "attachés" and their financial patrons meeting these criteria. A list of 41 such individuals was published on November 1, 1993, by the Office of Foreign Assets Control (FAC) of the Department of the Treasury (58 Fed. Reg. 58480).

On October 18, I ordered the deployment of six U.S. Navy vessels off Haiti's shores. To improve compliance with the ban on petroleum and munitions shipments to Haiti contained in UNSC resolutions 841 and 873, my Administration succeeded in securing the passage of UNSC Resolution No. 875. UNSC Resolution 875 calls upon the United Nations Member States acting either nationally or through regional agencies or arrangements to halt inward maritime shipping for Haiti in order to inspect and verify that the Haiti-bound cargo does not contain UNSC-prohibited petroleum or arms. A multinational Maritime Interdiction Force that includes elements of the U.S. Navy and the U.S. Coast Guard has been established and now patrols the waters off Haiti.

7. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Power Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on October 4, 1991, pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). The additional sanctions set forth in Executive Orders Nos. 12779, 12853, and 12872, were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, as well as the United Nations Participation Act of 1945 (22 U.S.C. 287c), and represent the response by the United States to the United Nations Security Council and OAS directives and recommendations discussed above.

8. Since my report of November 13, 1993, FAC, in consultation with the Department of State and other Federal agencies, has issued General Notice No. 3, "Notification of Blocked Individuals of Haiti." The Notice, issued January 27, 1994, identifies 523 officers of the Haitian Armed Forces who have been

determined by the Department of the Treasury to be Blocked Individuals of Haiti. General Notice No. 4, issued April 4, 1994, identifies an additional 27 individual officers of the Haitian Armed Forces and one civilian who have been determined by the Department of the Treasury to be Blocked Individuals of Haiti. These are persons who are members of the de facto regime or are blocked pursuant to Executive Orders Nos. 12853 or 12872. (A comprehensive list of Blocked Individuals of Haiti was published on April 7, 1994 (59 Fed. Reg. 15548)).

U.S. persons are prohibited from engaging in transactions with these individuals and with all officers of the Haitian military (as members of the de facto regime), whether or not named in General Notice No. 3 or No. 4, unless the transactions are licensed by FAC. Additionally, all interests in property of these individuals that are in the United States or in the possession or control of U.S. persons, including their overseas branches, are blocked. U.S. persons are not prohibited, however, from paying funds owed to these entities or individuals into the appropriate blocked account in domestic U.S. financial institutions. Copies of the comprehensive list and of General Notices No. 3 and No. 4 are attached.

A policy statement, effective January 31, 1994 (59 Fed. Reg. 8134, February 18, 1994), was published to extend until March 31, 1994, the expiration date for all current assembly sector licenses issued by FAC pursuant to the HTR, and a second policy notice, effective March 29, 1994, was published on April 1, 1994 (59 Fed. Reg. 15342), extending these licenses through May 31, 1994. These licenses have provided an exception to the comprehensive U.S. trade embargo on Haiti under which the "assembly sector" has continued to receive parts and supplies from, and supply finished products to, persons in the United States. Copies of the policy statements are attached.

Assembly sector trade with the United States accounted for a significant portion of Haiti's imports, and a substantial majority of its exports, prior to the institution of the OAS-requested embargo in November 1991. Although initially suspended due to the embargo, assembly sector imports from and exports to the United States were allowed to resume on a case-by-case basis beginning in February 1992 in order to keep poorer segments of the Haitian population employed and to reduce their incentive to attempt illegal and dangerous immigration by sea to the United States and other countries. However, the continuing uncertainties of the Haitian situation have led to a sharp decline in assembly sector activity, where employment is now estimated to be no more than 10 percent of pre-embargo levels.

9. In implementing the Haitian sanctions program, FAC has made exten-

sive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on the livelihood of Haitian workers employed by Haiti's assembly sector, and to ensure the availability of necessary medicines and medical supplies and the uninterrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses were issued: (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti; (2) permitting U.S. firms with pre-embargo relationships with product assembly operations in Haiti to resume those relationships in order to continue employment for their workers or, if they chose to withdraw from Haiti, to return to the United States assembly equipment, machinery, and parts and materials previously exported to Haiti; (3) permitting U.S. companies operating in Haiti to establish, under specified circumstances, interest-bearing blocked reserve accounts in commercial or investment banking institutions in the United States for deposit of amounts owed the de facto regime; (4) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti; (5) authorizing commercial sales of agricultural inputs such as fertilizer and foodcrop seeds; and (6) in order to combat deforestation, permitting the importation of agricultural products grown on trees.

10. During this reporting period, U.S.-led OAS initiatives resulted in even greater intensification and coordination of enforcement activities. Continued close coordination with the U.S. Customs Service in Miami sharply reduced the number of attempted exports of unmanifested, unauthorized merchandise. New FAC initiatives are expected to result in more effective coordination of Customs Service and Department of Justice activities in prosecution of embargo violations. During the reporting period, the multinational Maritime Interdiction Force that contains elements of the U.S. Navy and U.S. Coast Guard, continued to patrol offshore Haiti and to conduct ship boardings, inspections of cargoes bound for Haiti, identification of suspected violators, and referrals for investigation. The Maritime Interdiction Force has boarded 612 ships and diverted 38 of these ships for various reasons (inaccessibility of cargo for inspection, items prohibited by the United Nations Security Council embargo on board) from its inception to March 30, 1994. Actions have been taken to counter embargo violations as they have developed. There have been high-level discussions with the Government of the Dominican Republic to encourage its stated desire to cooperate with the

United Nations in increasing the effectiveness of the enforcement of the sanctions on that country's common border with Haiti across which fuel smuggling is occurring. Other steps have been taken to control sales of bunker fuel by ships in Haitian ports and smuggling of fuel in Haitian-Dominican coastal waters.

The Department of the Treasury, in close coordination with Department of State and the intelligence community, continues to designate "Blocked Individuals of Haiti," blocking the assets of persons (civilian as well as military) whose conduct meets the criteria of Executive Orders Nos. 12755, 12853, and 12872, including persons obstructing the U.N. Mission in Haiti or the implementation of the Governors Island Agreement and persons perpetuating or contributing to the violence in Haiti. The list was last expanded on January 27, when the entire officer corps of the Haitian Armed Forces was blocked as part of the de facto regime in Haiti, and on April 4, when one additional civilian was added to the list. As others subverting democracy in Haiti and additional members of the officer corps are identified by name, these names will be incorporated into the list of "Blocked Individuals of Haiti."

Since the last report, 35 penalties, totaling in excess of \$146,000, have been collected from U.S. businesses and individuals for violations of the Regulations. Eighteen violations involved unlicensed import- and export-related activity. As of March 4, 1994, 12 payments of penalties assessed against the masters of vessels for unauthorized trade transactions or violations of entry restrictions totaled about \$53,000. A significant penalty collection during the reporting period was from American Airlines for its direct payments of taxes and fees to the de facto regime in Haiti.

11. The expenses incurred by the Federal Government in the 6-month period from October 4, 1993, through April 3, 1994, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at about \$3.4 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the U.S. Coast Guard, and the Department of Commerce.

12. I am committed to the restoration of democracy in Haiti and determined to see that Haiti and the Haitian people resume their rightful place in our hemispheric community of democracies. Active U.S. support for United Nations/OAS efforts to resolve the Haitian crisis has led to the maintenance and enforcement of sweeping economic sanctions. Our diplomatic efforts com-

plementing these sanctions are designed to encourage and facilitate participation by all legitimate Haitian political elements in a broad-based political process that will bring about the fulfillment of the undertakings they made in the Governors Island Agreement so that Haitian democracy can be restored and President Aristide can return to Haiti. Such a political process will enable the lifting of sanctions and the start of Haiti's economic reconstruction and national reconciliation. The United States will continue to play a leadership role in the international community's program of support and assistance for the restoration of democracy and return of President Aristide to Haiti.

I will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 25, 1994.

ADJOURNMENT FROM TUESDAY, APRIL 26, TO THURSDAY, APRIL 28, 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Thursday, April 28, 1994.

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

There was no objection.

FEDERAL ENERGY RESEARCH PRIORITIES ACT

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

Mr. KREIDLER. Mr. Speaker, now is the time to redefine the mission of the Department of Energy.

The world has changed.

The cold war is over.

And conservation and renewable energy are the newest weapons in our fight for energy security.

So our research priorities must change too.

Yet hundreds of DOE facilities throughout the country are conducting research based on the past, not the future.

That is why I have introduced legislation, modeled after the Military Base Closure Commission, to evaluate, reconfigure, and close some DOE facilities.

It would cut research spending by 25 percent, saving billions of dollars for taxpayers.

It would redefine our energy priorities for the future.

And it would reduce the deficit, cut unnecessary spending, and get politics out of these decisions.

I urge my colleagues to support this legislation.

GUN CONTROL

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

Mr. THOMAS of Wyoming. Mr. Speaker, according to the Washington Post today, the administration has begun its lobbying blitz on gun control. This is a continuation, of course, of efforts that have been carried on for some time that had to do with follow-up on the Brady bill and will be much like the Brady bill, I think, a feel-good kind of thing.

Nobody who follows gun control legislation felt that the Brady bill would be the end of it. Of course, it simply gave momentum to moving forward until all law-abiding citizens are not allowed to have guns in this country.

Let me tell my colleagues a little bit about the feeling I get from my folks in Wyoming. I hear more about gun control in the town meetings I go to. I hear more about opposition to gun control in the communications I get than any other single issue.

What is the basis for that? One is, most people in Wyoming feel that ownership of guns, legal ownership of guns is a constitutional right. They feel very strongly about that; most people in Wyoming do have guns.

Second, no one really believes that the bad guys are going to go down to Gamble's and sign up for 5 days and come back and pick up their gun. They will get their gun from somewhere else. It is simply an inconvenience to people who legally own guns.

What we need to do is to be tough on criminals, not tough on law-abiding citizens who choose to own a gun.

I agree with my constituents.

RICHARD M. NIXON

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

Mr. BARTLETT of Maryland. Mr. Speaker, today I rise to pay my respect to former President Richard Nixon. With his passing, his party lost a great leader. Our country lost a great President. And the world lost a great statesman.

Each life is a mosaic of hills and valleys, of ups and downs. And Richard Nixon knew these extremes with exquisite definition. He stood as an inspiration to all who stumble and make mistakes and must struggle back.

Today I would like to make specific reference to his contributions as a statesman. He opened China to the West. He eased the tensions in the cold war and paved the way for the ultimate demise of communism.

Each day we enjoy our freedom, each day we are not engaged in war and each day, as we as legislators make decisions, some of them wrong ones from

which we need to recover, we are indebted to Richard Nixon for his enormous contributions as statesman and for his example.

SERB MILITANTS MUST ABIDE BY NATO TERMS

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

Mr. HOYER. Mr. Speaker NATO has finally stepped in with an ultimatum to the Serbs regarding the eastern Bosnian enclave of Gorazde—stop shelling and withdraw or face NATO air power. It is shameful that Gorazde almost had to fall to aggression before we took this action, and over 700 people died in just a few weeks. Many of us had called for an expansion of the Sarajevo ultimatum in February; indeed, some of us have supported such decisions since the war started in 1992.

Nevertheless, the ultimatum seems to be working. The Serb militants met an interim deadline, albeit very grudgingly, for an initial withdrawal from areas within 2 miles of Gorazde. The shelling has stopped, U.N. peacekeepers are arriving, and the wounded are being evacuated.

We must now avoid the urge to point to this success, back off and forget the Bosnian situation, hoping that it now will work itself out. Time has taught us that this will not happen, and we must therefore keep up the momentum and pressure on the Serb militants.

First, we need to ensure Serb compliance with this evening's deadline for the withdrawal from the approximately 10-mile area surrounding Gorazde.

Second, we must come up with an acceptable, comprehensive settlement that meets the needs of the Bosnians and the international community has the political will to ensure implementation.

Third, we must make it clear to the Serbs that there is no more piecemeal response to their barbaric behavior. Their unwillingness to cooperate and to live up to their promises as we move to a settlement must not be allowed to stand. Instead, punitive force must continually be our response.

I am hopeful that we are moving in this direction. A new international contact group has been established to coordinate policy, and NATO seems resolute in terms of its ultimatum. I hope we have learned that we must keep Bosnia high on the agenda and have the political will to stop the horror that is happening there. A lack of vigilance in countering what will certainly be more Serb testing in the future, will doom Bosnia and Herzegovina and our credibility alike, to the detriment of a new world order we all would like to see.

□ 1210

URGING SUPPORT FOR DISCHARGE PETITION ON THE A TO Z PLAN

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

Mr. HUTCHINSON. Mr. Speaker, tax day has passed and we have entered that hazy time of year when every individual in the country works for the Federal Government. Summer will be upon us by the time we are actually earning income for ourselves. Today I rise in support of the A to Z plan.

The bipartisan efforts of my colleagues ROB ANDREWS and BILL ZELIFF offer us the opportunity to restore democracy to the budget process. All Members may offer spending cuts. These cuts will be considered individually, rather than as part of a larger package. Make no mistake, this plan will require many tough choices. There is no room for deals cut in smoky back rooms. For the first time in many years, constituents will know exactly where their spring days go.

This plan offers us the opportunity to shine as we demonstrate our fiscal responsibility or to squirm as we defend our reckless spending practices. I, for one, want to see this debate; but more importantly the American people want to see this debate.

I urge you to support the discharge petition of the A to Z plan. Let us bring responsibility back to the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KREIDLER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Thursday, April 28, 1994.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4013) to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration, to authorize the Secretary to establish pilot programs for health care delivery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Under proposals for national health care reform, the Department of Veterans Affairs would be required to establish an enrollment system for veterans and to provide health care on a competitive basis with other, private health care providers.

(2) In order to be able to implement changes contemplated by proposals for national health care reform, the Secretary of Veterans Affairs must have flexibility to restructure and reform the Veterans Health Administration as necessary without externally imposed constraints on full-time equivalent employee (FTEE) positions levels.

(3) The Office of Management and Budget, as part of an announced plan to require a reduction over five years of 252,000 FTEE positions in the executive branch, proposes to require reductions of FTEE positions totaling 25,493 in personnel of the Veterans Health Administration, a reduction in personnel which would severely impede the ability of the Department of Veterans Affairs to implement national health care reform and to meet the responsibilities of the Department under existing law.

SEC. 2. EMPLOYMENT LEVEL IN VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 713. Full-time equivalent employees: limitation on reduction

“(a) During the five-year period beginning on October 1, 1994, no reduction may be made in the number of full-time equivalent employees in the Veterans Health Administration other than as specifically required by a law directing reductions in personnel or positions of the Veterans Health Administration or by the availability of funds. During that period, the personnel of the Veterans Health Administration shall be managed on the basis of the needs of eligible veterans and the availability of funds.

“(b) During the period specified in subsection (a), no law imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to the Veterans Health Administration.

“(c) No law may be construed as suspending or modifying this section unless such law specifically refers to or amends this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“713. Full-time equivalent employees: limitation on reduction.”

SEC. 3. REPORT ON STREAMLINING.

Not later than January 15, 1995, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on streamlining activities in the Veterans Health Administration. The report shall include a description of—

(1) opportunities to improve the efficiency and effectiveness of delivery of health care services in the Veterans Health Administration through consolidation, reorganization, or other means;

(2) plans and actions taken to realize such efficiencies; and

(3) impediments to implementing particular plans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. EVERETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 4013, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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

Mr. Speaker, H.R. 4013 is a bill designed to give the Secretary of Veterans Affairs the tools he needs to manage Veterans Administration's health care system. It would postpone unsound and devastating personnel reductions in Veterans Administration hospitals, outpatient clinics, and nursing homes.

The administration has promised us that the Veterans Administration will be able to compete under health reform. But the Office of Management and Budget has told the Secretary of Veterans Affairs that during the next fiscal year the Veterans Administration will have to cut 5,000 health care employees and slash another 20,000 people by 1999.

I have yet to hear any logical explanation for the policy of applying a Governmentwide reduction in personnel to Veterans Administration's hospitals system. It is a mistaken policy, one which even the Vice President's report on "Reinventing Government" condemns. Let me read from that report:

Federal managers often cite FTE controls as the single most oppressive restriction on their ability to manage. Under the existing system, FTC controls are the only way to make good on the President's commitment to reduce the Federal bureaucracy by 100,000 positions through attrition. But as we redesign the Government for greater accountability, we need to use budgets, rather than FTE controls, to drive our downsizing. FTE ceilings are usually imposed independently of—and often conflict with—budget allocations. They are frequently arbitrary, rarely account for changing circumstances, and are normally imposed as across-the-board percentage cuts in FTEs for all of an agency's units—regardless of changing circumstances. Organizations that face new regulations or a greater workload don't get new FTE ceilings. Consequently, they must contract out work that could be done better and cheaper inhouse. . . . The President should direct OMB and agency heads to stop setting FTE ceilings in fiscal year 1995.

The Vice President is right on target. I only wish he had discussed his feelings with the Director of the Office of Management and Budget.

H.R. 4013, as amended, provides that during the 5-year period beginning October 1 of this year there shall be no reduction other than as specifically required by law or by the availability of

funds provided by the appropriations committees and the Congress. If Congress provides funds to support a certain personnel level in Veterans Administration, OMB will not be able to impose arbitrary cuts on Veterans Administration hospitals.

I want my colleagues to know that the bill does not prohibit the Secretary of Veterans Administration from reducing personnel through reorganization, consolidation, or otherwise. I also want to share with my colleagues the views of the many organizations that testified at a March 16 hearing on this measure.

ORGANIZATIONS SUPPORTING H.R. 4013

National Association of VA Physicians & Dentists—“We strongly support (H.R. 4013) to provide VA flexibility in meeting the workforce needs of its health care system.”

Paralyzed Veterans of America—“PVA strongly supports (H.R. 4013). This bill would prevent a devastating loss of personnel from the Veterans Health Administration at the very time VA is attempting to marshal all its resources to compete and survive in a reformed national health care system.”

Disabled American Veterans—“DAV applauds the recognition of gross contradictions between H.R. 3600—the Health Security Act—and the seemingly mindless requested reduction of some 25,000 full-time employee positions over a five year period.”

AMVETS—“* * * we enthusiastically support the bill because VA faces sufficient challenges without significantly downsizing the workforce. * * * AMVETS hopes that Congress will provide VA the ability to choose a scalpel, not a cleaver to cut personnel.”

American Legion—“* * * wholeheartedly supports the provisions contained in (H.R. 4013). At a time when VA anticipates implementing the greatest health care delivery changes in its history, the next several years will require VHA to consolidate and reinforce its present capabilities, and not be required to incur debilitating personnel or funding reductions.”

Blinded Veterans Association—“* * * strongly supports adoption of this vital legislative initiative.”

Nurses Organization of VA (NOVA)—“* * * applauds the introduction of bill (H.R. 4013), legislation that would put off any health care staff reductions until the DVA Secretary can more realistically determine its workforce needs * * * Now, more than ever, is the time to recognize the need for adequate staffing numbers and use budget dollars for official FTE positions. Health and life-saving care cannot be ignored, postponed or sacrificed.”

Vietnam Veterans of America (VVA)—“(H.R. 4013) would appropriately insulate the Veterans Health Administration from cuts contemplated in the Fiscal Year 1995 budget, as well as the federal workforce reduction associated with the National Performance Review. Currently, eligible veterans are either turned away from many VHA facilities or simply become frustrated by excessive wait times and forego needed health services because staffing doesn't allow VHA to meet demand. Further cuts would exacerbate this problem and threaten the survival of the veterans' health system with passage of national health reform legislation.”

If Veterans' Administration is to compete under any health care reform

plan, State or Federal, we need to pass this bill right away. I urge the adoption of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND], the distinguished chairman of the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs.

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

Mr. Speaker, I rise in support of H.R. 4013.

H.R. 4013 is an important bill that addresses a very immediate challenge confronting the VA health care system—devastating OMB work force cuts.

Under the fiscal year 1995 budget, VA health care staffing must shrink by some 5,700 positions. While Administration officials testified at a recent hearing that such significant personnel cuts could be absorbed without serious impact, those charged with operating VA medical centers, and the veterans dependent on timely access to care, describe a very different reality.

Personnel cuts in the VA health care system mean one thing for sure—diminished service to its patients. While Administration officials hope to minimize the impact on direct patient care for the short term, they have no formula for avoiding severe problems over the next 4 years when they must shrink the work force by another 20,000.

In February, the committee conducted a survey of all VA medical centers to gauge the impact of such cuts. The survey made it clear that at a minimum these reductions will mean sweeping bed closures, program cuts, and ever-longer waiting times. They could well mean facility closures.

Clearly, VA cannot absorb cuts of this magnitude. Just to achieve mandated reductions in fiscal year 1995, VA plans to let go many of the technicians, software developers, and managers who would be needed to help transform this system to carry out an expanded role under national health care reform.

We have found no way to reconcile an OMB plan to slash more than 25,000 health care jobs with an administration proposal that VA play a major role under national health reform. The Administration certainly has had no answer to the question—how can a long-underfunded health care system gear up for an expanded role under health reform while under orders to dramatically shrink its work force.

H.R. 4013 would answer that question. It would exempt the Veterans Health Administration from these proposed staffing cuts over the next 5 years. As the testimony at our recent hearing and the results of the committee survey point out, this legislation is critically needed.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. Speaker, I rise in strong support of H.R. 4013, as amended, the Veterans Health Programs Improvement Act of 1994.

H.R. 4013, as amended, contains important provisions to curb the potential disastrous impact on VA health care caused by the administration's mandated work force reduction plan.

Such a mandate will bring to a grinding halt any effort to assist VA in positioning itself to compete in a national health reform scenario.

Nobody should misunderstand the thrust of this bill, though, and think it threatens current VA staffing levels.

VA still has the authority to reduce personnel levels subject to the availability of funds and Congress could still direct VA to cut staffing levels by law.

The practical impact of this legislation is not to allow OMB to force personnel reductions that the VA has the appropriated dollars to maintain.

Mr. Speaker, I want to thank the distinguished chairman of the committee SONNY MONTGOMERY, the distinguished ranking member, BOB STUMP, and ranking minority members of the subcommittee on hospitals and health care, ROY ROWLAND and CHRIS SMITH, for their leadership and expertise on these important issues.

I urge the support of my colleagues.

□ 1220

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON], the ranking minority member of the Subcommittee on Education, Training and Employment.

Mr. HUTCHINSON. Mr. Speaker, I rise today in support of H.R. 4013, the Veterans Health Programs Improvements Act of 1994. This bill would provide the Secretary of Veterans Affairs with greatly needed flexibility in staffing the Veterans Health Administration.

When the administration submitted its budget proposal, they requested a level of funding substantially below what it had previously stated would maintain current services to veterans. On top of that, the Veterans Health Administration was required to absorb an unprecedented reduction in total employment as part of the government-wide FTE reductions. These reductions will not only undermine the VA's ability to position itself for an era of health care reform, but will foster inefficiency. Without a restoration of FTE, the VA will have to cut services or delay provision of services at the very time when efforts should be made to expand services and improve their quality.

Perhaps the most important justification for our attempts to improve the VA health care system, however, is

our commitment to our Nation's veterans who risked their lives fighting for our country. The very least we can do in return is to offer them a decent standard of health care through a strong VA health care system, capable of providing high quality services responsive to veterans and their special needs.

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

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Alabama [Mr. EVERETT] for handling this bill today. The gentleman from Arizona [Mr. STUMP], the ranking minority member, is totally supportive of this legislation.

Mr. Speaker, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, let me first say that the veterans of America have no better friend in America than the gentleman from Mississippi, SONNY MONTGOMERY.

General MONTGOMERY, who has served in this body long and with great distinction, is my very close friend.

Mr. Speaker, I agree with the objective of this bill, which is to ensure that the veterans of America continue to have the kind of health care that we have said that they would have and that we ought to deliver to them. That is the objective.

Mr. Speaker, everybody in this body obviously has a program that they believe is particularly important, but let me say on February 10, 1994, the four proponents who have spoken on this bill voted to cut 252,000 people from the Federal work force and they said we were going to save money. I voted for that bill, the Vice President recommended it, but very frankly, folks, what we did was we took a number. We did not make an analogy between the programs that we wanted accomplished and the level of personnel that would be required to accomplish those objectives. No, we took a number. It sounded politically good; it gets us below 1.9 million civilian employees. And it was not targeted, so it was an easy vote. Reduce 252,000 people.

Mr. Speaker, in my own Subcommittee on Treasury-Postal Service-General Government, and Senator DECONCINI feels very strongly, crime is a big problem in America, Americans concerned about the safety in their communities. We are going to dedicate \$22 plus billion dollars of this reduction to crime. But that \$22 billion will be reduced by 10 percent, \$2.2 billion dedicated to crime if we reduce by 10 percent the number of employees we reduce.

Mr. Speaker, this does not do that, however.

Get it someplace else, but not in my backyard. Do not take from me. It is good to cut, but cut someplace else.

Mr. Speaker, I understand my chairman's view, for whom I have unlimited respect and whom I support and will

continue to support for this chairmanship next year, I announce to all my colleagues. Why? Because he has brought vision and commitment; and there is no finer Member of this body, and I lament his leaving, than the gentleman from Georgia [Mr. ROWLAND], and although I do not know them as well, I am sure the proponents on the Republican side are equally sincere.

Mr. Speaker, I want to make sure my veterans have adequate, good, sound health care. I was responsible in main for the building with my chairman's help of a new VA hospital in Baltimore. But I do not delude myself that if we are going to cut funds in discretionary funding that everybody wants to do, \$26 billion the Senate wanted to do, it was for free, not targeted, do not have to take any personal responsibility for cutting anything. But come in later, come in later and add on, come in later and fence off, come in later and protect after having said that we are going to make those reductions.

Mr. Speaker, every agency is to participate in these reductions that we passed and share the pain caused by these cuts. Let us look the American public in the eye and say, "There is not a free lunch." If we are going to cut 252,000 people, unlike the perception of some that these folks are not delivering services that the American public want, say, "Yes, we will cut but there is a cost," and this is the cost.

Mr. Speaker, this bill says, yes, there is a cut but it will not be here. Yes, this is important, law enforcement is important, NIH research is important, space research by the votes of this Congress is important, delivering of public Health Services is important, education of our young people is important, fighting drugs is important, protecting our borders with Customs is important. All of these objectives are important.

Mr. Speaker, this bill raises a very fundamental question: Do we continue to make broad conclusions that sound politically good and fiscally responsible and then do what we do all the time, come in and say, "Yes, but don't take mine. Don't take mine."

Mr. Speaker, I oppose this bill, not because I oppose its objective, and I will not ask for a vote on this bill, but I want all of my colleagues to know, and, yes, my veteran supporters that I cannot pretend that there is a free lunch. And, yes, I may support and urge the administration to organize this reduction in force so that we can hold harmless.

Mr. Speaker, I have told my good friend, the gentleman from New York, JERRY SOLOMON, that I will work with him, and I have told my chairman that I will work with him to try to accomplish this objective. But not by fencing off, not by saying that everybody else is subject to risk the consequences of the votes of everybody who is talking

on this issue on either side but by consequences of making the tough decisions, not exempting ourselves from those tough decisions.

Mr. Speaker, I thank the chairman for his generosity in yielding me the time.

□ 1230

Mr. EVERETT. I yield such time as he may consume to my good friend, the gentleman from New York [Mr. SOLOMON], ranking member of the Committee on Rules and former ranking member of the Committee on Veterans' Affairs.

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

Mr. Speaker and colleagues, I really do want to commend my good friend, the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Georgia [Mr. ROWLAND], and my successor, the gentleman from Arizona [Mr. STUMP], the ranking Republican, as well as the gentleman from Alabama [Mr. EVERETT], for bringing this bill to the floor. I thank all the other committee members, because I think this is a vital piece of legislation.

Let me say something to the previous speaker, the gentleman from Maryland [Mr. HOYER], for whom I have the greatest respect and with whom I quite often agree on many of his observations. He spoke eloquently about the serious problems in Bosnia and he really did tell it like it is. We will not get into that right now, but let me say that I concur with almost everything that the gentleman from Maryland [Mr. HOYER] said in the well.

It is true that we have very, very valuable Federal employees in very many vital departments and agencies across this Government, and we do not want to single them out. We do not want to say it is a question of getting it from somebody else's backyard.

But let me tell you why we are not really doing that in this particular case. I agree with the gentleman, because in many cases we would be cutting out vital, necessary jobs in drug enforcement or wherever it might be. But in this particular case, on this particular bill, what we are saying is that we cannot have these jobs cut from the medical delivery system of the Veterans' Administration. We can still have those cuts throughout the entire Department of Veterans Affairs, and I think that there is room; cuts could be made there. But the medical people are vital. A growing number of World War II veterans are reaching an age when they need medical care. We have to make sure that care is available to them at VA hospitals.

The problem, and I will be critical of previous Republican administrations as well as the present Democrat administration, is that we went through a period, and the gentleman from Mis-

issippi [Mr. MONTGOMERY] and the other members of the committee remember it so well, when we had forced down the throats of the veterans' hospitals throughout this Nation a 1-percent productivity savings. All that did was to squeeze out the quality of medical care, and it hurt the veterans' hospitals. This was done by Republicans and by Democrats alike, and it was wrong. We ought to keep that in mind, incidentally, ladies and gentlemen, when we get into the national health care debate and we start talking about price controls; that is exactly what price controls will do in the civilian sector as well. Price controls will squeeze out the quality of medical care.

We had previous a speaker talking about my good friend, and someone I deeply admired as the President of the United States of America. You know, he experimented with price controls, and it was perhaps the one major failing of Richard Nixon. He was talked into it by a former Democrat turned Republican named John Connally. That goes back a little ways beyond some of your time, but many of us remember it.

But the point I want to make is that this bill does not take it out of somebody else's backyard. It allows the cuts to continue to be made in the Veterans' Administration, but not out of that vital area of delivering life-saving care for our veterans.

Remember one thing, ladies and gentlemen, the veterans of World War II, which make up the vast majority of veterans today, are now turning 70 years old. Many of them are in their mid-seventies. Some of them are even in their eighties. They need more and more care.

There are to be some jumping exercises at the Normandy invasion reenactment, which the gentleman from Mississippi [Mr. MONTGOMERY] is going to be attending. Some of those guys who were in the Airborne are now 83 years old, and they are going to be jumping there in June.

SONNY, you will be there to watch it, and hopefully I will be, too.

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

Mr. SOLOMON. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, let me be clear, I am not jumping.

Mr. SOLOMON. You will be there to watch them though, SONNY.

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

Mr. SOLOMON. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. First of all, the gentleman makes a good point, and I understand that point.

I am not going to ask for a vote on this, because the objective, I think, is broadly shared, and I do not want any implication by asking for a vote that

folks trying to make a determination whether or not we guarantee and make sure we have quality health care for our veterans; we want to do that. The way to do that is to work within the framework of that which we have enacted.

Fencing off, I think, in this area simply leads, as I said, to fencing off in other areas and takes the heat off getting the most efficient reduction.

But I agree with the gentleman's objective and want to support that and want to work with him to ensure that that end in fact occurs.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman. I think we are all arguing the same point here.

But I do hope we all support this vital piece of legislation. I would hope that it is enacted.

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

Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for his kind remarks and also to say to the gentleman from Maryland [Mr. HOYER] that he is certainly a strong advocate for veterans. We disagree on this issue, but I have had the privilege of going into his congressional district and working with his veterans' organizations. I certainly look forward to going back to Maryland, which is the home of many of our stronger veterans' advocates.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

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

Mr. Speaker, it is my intention on final passage to ask for a recorded vote on this measure.

It seems to me that we have set the country on the course of a 10-percent work force reduction in Federal Government personnel over the next 5 years. Even though I share with my colleagues on the Committee on Veterans' Affairs a strong desire that this Department be allowed the resources and the ability to respond adequately to the needs of America's veterans through the health care system, I think it is ill-advised that this Congress tie the hands of the administration in implementing a very difficult work force reduction policy.

One exemption leads to another exemption and another and another. We have seen this repeatedly over the past. I do not think we want to start down that road again on this particular issue.

I trust that this administration, particularly with the leadership of Jesse Brown as Secretary of Veterans Affairs, that he is going to be extremely sensitive to the needs of our VA patients and they will be as careful as possible in implementing any cuts that are required of that Department in a

way that will not negatively impact quality health care for the veterans of America.

But I do not believe that we in the Congress, by a vote today, ought to restrict the administration, limit its flexibility, restrict its discretion on this particular issue. This is a management decision on the part of the administration. I do not believe that it is a decision that we ought to micromanage with this legislation, and for that reason I do intend to call for a rollcall vote.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, we had hearings, just to answer the gentleman and certainly not in any way to try to cause him not to ask for a recorded vote, but just by way of explanation, we had a hearing on this very issue recently in the Subcommittee on Hospitals and Health Care, and while those people from the VA and the administration said that we can streamline to the extent that we will be able to deal with this, that was not what we heard from the people who will be working to provide care for those veterans who need the care.

They came and said we cannot streamline to that extent. We heard from the veterans' service organizations as well that it is not possible to streamline to the extent that the administration had said, and if in fact this cut does take place, we can expect there to be decreased service to veterans in the hospital and health care delivery system.

Now, the administration is saying we want the VA to be competitive. The VA must be competitive. How can it be competitive if the administration is cutting the personnel that will be necessary to make that system competitive? It just does not add up.

So I would say to the gentleman that if these cuts do not take place in the way that we have indicated that they ought to, that veterans will suffer.

Mr. EVERETT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

□ 1240

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

Mr. Speaker, I want to say something to my friend, the gentleman from Minnesota, TIM PENNY—he may be the one I respect the most in this body because he is one Member who really has the guts to stand up here and tell it like it is about the sea of red ink that this Congress and several administrations, the current and the previous Presidents, have been drowning in.

But he made the point that the Secretary of Veterans' Affairs, Jesse Brown, would not stand for unneces-

sary cuts in the medical delivery system. Well, I can say to the gentleman, "TIM, I will just say to you that it isn't a question of Jesse Brown." He is doing an outstanding job. It is a question of OMB. We all know who OMB is. OMB calls all the shots. It does not matter which administration it is, they give orders to the Secretary of Veterans' Affairs where to make those cuts.

They have been insensitive in the past, and they will continue to be insensitive in the future. That is why we cannot allow cuts to be made in the medical delivery system of the Department of Veterans' Affairs. If we were preventing cuts from being made anywhere in the Department of Veterans' Affairs, I would be the first one up here fighting against this bill. But the fact is that the bill does not do that. We still are allowing cuts to be made equitably throughout the rest of the Department of Veterans' Affairs, and that is why we really ought to be supporting this piece of legislation.

Mr. Speaker, I strongly urge its support.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. I thank the chairman for yielding this time to me.

I really appreciate this time and would just like to briefly and very regretfully speak against the chairman of the Committee on Veterans' Affairs' legislation here. The simple fact is that the entire Federal work force has to be reconsidered, the entire work force is being considered, and to arbitrarily get into the exemption of one agency, a very major agency, of the Federal Government I would say casts real problems and irregularities on the entire process. Obviously, the administration is going to have to have discretion as to how many personnel cuts are going to be achieved in the various agencies and the various functions of those agencies. But if we get into totally exempting one area of this program, we really do major damage to the entire program, and I regretfully oppose the chairman's initiative.

Mr. EVERETT. Mr. Speaker, I yield myself such time as I may consume in order to point out that if this bill should fail, a recent committee survey of the VA medical center directors reveals 74 percent projected they would be forced to close beds, 62 percent projected that they would have to reduce outpatient care workload, and 59 percent projected that they would need to close specific programs.

Mr. Speaker, National Association of VA Physicians & Dentists—"I see no way that we can sustain such a loss without having a direct effect on the quality of patient care. And for this reason, we strongly support (H.R. 4013) to provide VA flexibility in meeting the work force needs of its health care system."

Paralyzed Veterans of America—"PVA strongly supports (H.R. 4013). This bill would

prevent a devastating loss of personnel from the Veterans Health Administration at the very time VA is attempting to marshal all its resources to compete and survive in a reformed national health care system."

Disabled American Veterans—"DAV applauds the recognition of gross contradictions between H.R. 3600—the Health Security Act—and the seemingly mindless requested reduction of some 25,000 full-time employee positions over a 5-year period."

AMVETS—"... we enthusiastically support the bill because VA faces sufficient challenges without significantly downsizing the work force. ... AMVETS hopes that Congress will provide VA the ability to choose a scalpel, not a cleaver to cut personnel."

American Legion—"... wholeheartedly supports the provisions contained in (H.R. 4013). At a time when VA anticipates implementing the greatest health care delivery changes in its history, the next several years will require VHA to consolidate and reinforce its present capabilities, and not be required to incur debilitating personnel or funding reductions."

Blinded Veterans Association—"... strongly supports adoption of this vital legislative initiative ... Ironically, several initiatives eagerly pursued by the administration are complicating VA's efforts to position itself for health care reform. The President's fiscal year 1995 budget request for DVA is totally inadequate, severely limiting VHA's ability to even meet current services levels of fiscal year 1994. ... Further, the administration's National Performance Review [NPR] requires a total Federal work force reduction of 252,000 FTEE over the next 5 years. ... The budget shortfall and required reductions of over 3,600 FTEE contained in the VHA fiscal year 1995 budget will be absolutely devastating if enacted."

Nurses Organization of VA [NOVA]—"... applauds the introduction of bill (H.R. 4013), legislation that would put off any health care staff reductions until the DVA Secretary can more realistically determine its work force needs. ... Now, more than ever, is the time to recognize the need for adequate staffing numbers and use budget dollars for official FTE positions. Health and lifesaving care cannot be ignored, postponed or sacrificed."

Vietnam Veterans of America [VVA]—"... (H.R. 4013) would appropriately insulate the Veterans Health Administration from cuts contemplated in the fiscal year 1995 budget, as well as the Federal work force reduction associated with the National Performance Review. Currently, eligible veterans are either turned away from many VHA facilities or simply become frustrated by excessive wait times and forego needed health services because staffing doesn't allow VHA to meet demand. Further cuts would exacerbate this problem and threaten the survival of the veterans' health system with passage of national health reform legislation."

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding this time to me.

I compliment the chairman of the Committee on Veterans' Affairs and

the gentleman from Georgia [Dr. ROWLAND] for their efforts in this bill. I think we are missing the whole goal and the whole sight of the commitment of this Congress and the American people and the commitment we made to the veterans of America.

Mr. Speaker, I have traveled and spoken to a great many veterans groups and also existing military branches, and the biggest concern they have is they feel we are forgetting them.

Mr. Speaker, when our veterans went into service, they were told they would receive medical care. It was a contract made by this Government of ours and this Congress.

All we are asking in this bill is not to exempt but to make sure that that commitment is fulfilled. We can streamline, we should do so, but not take away the ability to provide what we committed to these veterans. If we want to change the rules in the future, that is fine for those coming into the service now. We have veterans who have served their time.

When I was in the service—that is more than I can say for some other people in this Government—but when I was in the service, I was told that if I served my 20 years, I would be given certain benefits. That is one of the reasons I was in the service.

I chose not to stay there, but those people who did stay there expected to have appropriate medical services.

Now, I have watched what happened in some of the veteran hospitals, in, yes, other administrations and even this administration, and I see where the veterans are not being considered equally or with the commitment we made to them when they enlisted.

So, again, I compliment my chairman. I heard the comments a while ago that we all have to cut back and reform this Government. Yes, I happen to agree with that. But let us do it with due contract, do it with new contracts, new entries, with a new system, but let us not break the word that we gave the veterans when they enlisted in Korea, World War II, Vietnam, the Gulf, Grenada. These are our fighting men and women.

The chairman and the Committee on Veterans' Affairs have done the right, the correct thing. They and the ranking member, all of them should be complimented.

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

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

Every day I have Members come up to me and complain about the service that the veterans are receiving in their veterans hospitals, and every Member in this Chamber has a veterans hospital or an outpatient clinic or a nursing home that his or her veterans use. We just felt very strongly, both Democrats and Republicans, that we needed

to look at this reinventing of Government and the effect of this reduction of employees in the different Government agencies. There was no opposition expressed to this measure by Veterans' Committee members when it was ordered reported.

I want to point out that the Veterans' Administration is the second largest employer of civilians, and the military is first. So a cut of 25,000 employees would be devastating to the veterans hospitals; 5,000 jobs would be lost in 1995. We will have to close some more veterans wards. I hope we do not have to close any veterans hospitals.

But we just cannot operate with that type of reduction. That is why we brought the bill up here today, trying to help out these old veterans.

Again, I want to quote from Vice President GORE's "Report of the National Performance Review," which includes statements that I think would be of interest.

The Vice President's report says, and I quote, "We need to use budgets rather than FTE controls to drive our downsizing. FTE ceilings are usually imposed independently and often conflict with budget allocations." Then it goes on further to say, "The President should direct OMB and agency heads to stop setting FTE ceilings in fiscal 1995."

This comes out of the Vice President's report.

They say do it by budget, do not do it by personnel ceilings. So that is why we are here today, that is why we brought the bill up. I thank my colleagues for supporting this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 4013, as amended, the Veterans Health Programs Improvement Act of 1994. This legislation will ban an arbitrary reduction in full-time equivalent employees from the Veterans Health Administration unless specifically required by law or limited funds.

Mr. Speaker, the administration has directed VA to cut up to 25,000 FTE's, some 12 percent of its work force, over the next 5 years. At the same time, the administration has submitted legislation which fully expects VA to compete with private sector health plans to attract veteran patients under the Health Security Act. It would seem that the right hand does not know what the left hand is doing. Plain and simple, we are on the cusp of national health reform and it is not the time for arbitrary cuts in health care employees. This mandated cut in FTE would ensure that VA would be able to compete under whatever health plan is ultimately enacted.

In the era of health reform, at a time when VA is attempting to prepare itself to meet the challenge of reforms, it is a sad commentary that the administration would make such nonsensical requests. Nonetheless, this legislation, if enacted, will once again protect the VA from OMB budget slashers.

I want to commend the distinguished chairman and ranking minority member of the committee, Mr. MONTGOMERY and Mr. STUMP, for continuing to move legislation which protects

our Nation's veterans. As always, they are valuable advocates. I also want to recognize the chairman of the Subcommittee on Hospitals and Health Care, Dr. ROWLAND, for his hard work on this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 4013, as amended.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 4013, the Veterans Health Programs Improvement Act of 1994. I commend the distinguished gentleman from Georgia [Mr. ROWLAND] for introducing this worthwhile legislation.

H.R. 4013 will exempt the Veterans Health Administration [VHA] from the mandatory staffing reductions outlined in Vice President GORE's proposal for reinventing Government and the Federal Workforce Restructuring Act of 1994, which is now known as Public Law 103-226.

I voted in support of the Federal Workforce Restructuring Act. However, I believe these reductions must not jeopardize or diminish the health care services that our Nation's veterans receive. For this reason, Mr. Speaker, I support H.R. 4013.

Our Nation needs to take the steps necessary to ensure that our veterans receive the finest medical treatment and care. This legislation, which exempts mandatory staffing reductions, is a step in the right direction.

Accordingly, I urge my colleagues to support this legislation.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor and an ardent supporter of H.R. 4013, the Veterans Health Programs Improvements Act. This bill would exempt the Veterans Health Administration from a White House proposal that would cut 25,000 VHA full-time positions.

This bill, Mr. Speaker, is intended to keep the VHA strong during a time of tremendous and unprecedented change. Once Congress passes health care reform legislation, the VHA will begin an era of reorganization. If the President's health care package passes, the VHA will be forced for the first time to compete for its patients. The VHA expects its workload to be enormous in the coming years as it tries to cope with the changes brought on by new health care reform laws.

To propose a decrease in the VHA work force when it is certain to have an increase in its workload is unfair and illogical.

As the medical arm of the Veterans' Administration, the VHA is charged with caring for many of the men and women who risked their lives for America and Democracy. For too many of these veterans, the VHA is the only medical care available. Let us not desert our veterans, Mr. Speaker, for they never retreated when we needed them. Health care is one of the few benefits we award veterans for their service—a benefit they earned with blood and sweat on the battlefield. We cannot strip them of this badge of honor.

We owe it to our veterans, Mr. Speaker, to provide them with the best medical service they can be afforded.

This bill, Mr. Speaker, passed the Veterans Affairs Committee as it is not controversial and I urge its passage today by voice vote.

Mrs. THURMAN. Mr. Speaker, today the VA operates the Nation's largest centrally managed health care delivery system. It provides

the full continuum of medical care, from primary care and sophisticated tertiary services to rehabilitation and long-term care. The impact of the VA's role in the current national health care environment is immense.

Under the Federal Work Force Restructuring Act, the number of cuts to the Veterans Health Administration are completely arbitrary. Employment cuts are not based on any study, methodology, or analytic framework. We are not just talking about streamlining a Government agency or forcing efficiency. In no uncertain terms, this bill challenges effective delivery of health care to those involved in the VA health system.

The Veterans Health Administration is committed to streamlining operations, and under this measure, the Veterans Health Administration could still be required to make personnel cuts by a future law which specifically directed them to do so.

The real issue here is: where should these cuts be made? Across-the-board cuts over the entire system do not answer the problems facing the Veterans Health Administration in the light of health care reform.

In some parts of our country, beds and treatment are plentiful and accessible. Unfortunately, however, the Veterans Health Administration is pushed to the limit to accommodate health needs in certain areas. An arbitrary cut across the board would only exacerbate this problem. This bill provides us with an opportunity to avoid such a situation.

With over 2,000 veterans moving to Florida each month, care provided by the Veterans Health Administration is being spread out thinner and thinner. Because Florida's population is growing so quickly, it is difficult to imagine the Veterans Health Administration being able to provide the present level of care, in my State, with approximately 1,400 less full time employees.

We will have the ability to improve efficiency and effectiveness within the Veterans Health Administration, whether through consolidation or reorganization but we must also recognize the changes taking place throughout the country, like those in Florida, and act accordingly.

Passage of this measure will allow us the opportunity to discuss and implement an effective and constructive law directing reductions in the Veterans Health Administration. The future of the Nation's largest managed health care delivery system is too important to allow broad-based sweeping changes to affect it.

Ms. LONG. Mr. Speaker, I strongly support H.R. 4013, the Veterans Health Programs Improvement Act. This legislation is necessary if we expect the Department of Veterans Affairs to provide quality care to our veterans.

A recent editorial indicated that it would be hypocrisy for fiscal conservatives to support this measure. I ardently disagree. As a fiscal conservative, I believe that there are many areas of the Federal Government where we can make additional cuts. In fact, I supported the Penny-Kasich amendment to make \$90 billion of specific cuts.

If we ask the Veterans Health Administration to provide quality health care to our veterans, then we must provide them with the necessary personnel to do so. If we ask the DVA to compete under health care reform, then we must not force them to comply with arbitrary staffing

levels driven solely by Federal budget concerns. Such a handicap would virtually guarantee the demise of the VA.

Yes—support for this measure will place additional pressure on other departments and programs to cut additional personnel. But it is our job to establish priorities for Federal programs. Without H.R. 4013, we will tell the veterans who use the DVA, predominately older, sicker, and poorer veterans, that they are not a priority of this Congress. I, for one, am not willing to say that. Please support H.R. 4013 when it comes to the floor of the House for a vote.

Mr. BURTON of Indiana. Mr. Speaker, as one of the original sponsors of the Burton-Penny amendment to lock in reductions of 252,000 in the Federal work force, I feel very strongly that we move ahead with downsizing the Government. However, we must not make those reductions in a haphazard or arbitrary way.

One of the principles that ought to be guiding these efforts is that we should be eliminating wasteful layers of management so that we can preserve front-line personnel who are delivering services directly to the American people. That is why I support H.R. 4013, the Veterans Health Programs Improvement Act of 1994. This bill would exempt the veterans health care system from reductions under this work force reduction initiative.

The veterans health care system has been underfunded for a number of years, severely restricting services they can provide to veterans who have served their country. If we apply these cuts in full-time equivalents to the veterans hospitals, we are going to lose doctors, nurses, and other health care professionals who directly care for our veterans. Instead, we should be making cuts in other parts of the Veterans Administration and in other agencies that do not provide such direct and essential health care services.

As we pare down the Federal Government and reduce the work force, we must concentrate on excessive headquarters staff and unnecessary layers of bureaucracy so that direct services to the public can be preserved. This is the essence of reinventing Government. That is why I support H.R. 4013, and support eliminating unnecessary positions in other sections of the Department of Veterans Affairs and other agencies.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KREIDLER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4013, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

PROVIDING FOR POISON CONTROL CENTER SERVICES

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

Mr. TOWNS. Mr. Speaker, today my esteemed colleagues, Ms. BYRNE of Virginia, Miss BARBARA-ROSE COLLINS of Michigan, Ms. MARGOLIES-MEZVINSKY of Pennsylvania, Mrs. MORELLA of Maryland, Ms. NORTON of the District of Columbia, Mr. PAYNE of New Jersey, and I are introducing a concurrent resolution to express the sense of the Congress that any health care reform legislation provide for poison control center services.

□ 1250

Poison control centers save lives and save money. Every \$1 spent on poison centers saves about \$8 in unnecessary visits to emergency rooms.

Tragically, poison centers are closing across the country, but closing poison control centers merely drives up the costs of health care, places the lives of millions of children at risk.

Mr. Speaker, closing poison centers is health care's retreat, not health care reform. The Nation needs to move forward, not backwards. Providing poison control services to all Americans would actually save \$545 million in the Nation's health care bill.

The public is demanding health care reform that makes sense. Poison control centers make sense. I urge my colleagues to support the resolution.

Mr. Speaker, the resolution has been endorsed by the American Association of Poison Control Centers, the American Academy of Pediatricians, and the Consumer Federation of America. All have endorsed this resolution, which is a cost-saving resolution that makes sense, and I urge my colleagues to support this resolution.

PROVIDING FOR CONCURRENCE WITH S. 1636, MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 412) providing for the concurrence by the House with an amendment in the amendment of the Senate to the amendment of the House to S. 1636.

The Clerk read as follows:

H. RES. 412

Resolved, That upon the adoption of this resolution the bill (S. 1636), entitled "An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes", with the Senate amendment to the House amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Protection Act Amendments of 1994".

SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) REFERENCES.—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 Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

(b) RELATIONSHIP TO OTHER LAW.—Except as otherwise expressly provided, nothing in this Act is intended to amend, repeal, or otherwise affect any other provision of law.

SEC. 3. FINDINGS AND DECLARATION OF POLICY.

Section 2 (16 U.S.C. 1361) is amended—

(1) in paragraph (2) by inserting "essential habitats, including" after "made to protect"; and

(2) in paragraph (5) in the matter following subparagraph (B) by inserting "and their habitats" before "is therefore necessary".

SEC. 4. MORATORIUM AND EXCEPTIONS.

(a) IN GENERAL.—Section 101(a) (16 U.S.C. 1371(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Consistent with the provisions of section 104, permits may be issued by the Secretary for taking, and importation for purposes of scientific research, public display, photography for educational or commercial purposes, or enhancing the survival or recovery of a species or stock, or for importation of polar bear parts (other than internal organs) taken in sport hunts in Canada. Such permits, except permits issued under section 104(c)(5), may be issued if the taking or importation proposed to be made is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II. The Commission and Committee shall recommend any proposed taking or importation, other than importation under section 104(c)(5), which is consistent with the purposes and policies of section 2 of this Act. If the Secretary issues such a permit for importation, the Secretary shall issue to the importer concerned a certificate to that effect in such form as the Secretary of the Treasury prescribes, and such importation may be made upon presentation of the certificate to the customs officer concerned."

(2) in paragraph (2) in the first sentence, by inserting before the period at the end the following: " , or in lieu of such permits, authorizations may be granted therefor under section 118, subject to regulations prescribed under that section by the Secretary without regard to section 103";

(3) in paragraph (3)(B)—

(A) by inserting " , photography for educational or commercial purposes," after "purposes"; and

(B) by inserting "or as provided for under paragraph (5) of this subsection," after "subsection,";

(4) by amending paragraph (4) to read as follows:

"(4)(A) Except as provided in subparagraphs (B) and (C), the provisions of this Act shall not apply to the use of measures—

"(i) by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;

"(ii) by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;

"(iii) by any person, to deter a marine mammal from endangering personal safety; or

"(iv) by a government employee, to deter a marine mammal from damaging public property, so long as such measures do not result in the death or serious injury of a marine mammal.

"(B) The Secretary shall, through consultation with appropriate experts, and after notice and opportunity for public comment, publish in the Federal Register a list of guidelines for use in safely deterring marine mammals. In the case of marine mammals listed as endangered species or threatened species under the Endangered Species Act of 1973, the Secretary shall recommend specific measures which may be used to nonlethally deter marine mammals. Actions to deter marine mammals consistent with such guidelines or specific measures shall not be a violation of this Act.

"(C) If the Secretary determines, using the best scientific information available, that certain forms of deterrence have a significant adverse effect on marine mammals, the Secretary may prohibit such deterrent methods, after notice and opportunity for public comment, through regulation under this Act.

"(D) The authority to deter marine mammals pursuant to subparagraph (A) applies to all marine mammals, including all stocks designated as depleted under this Act."

(5) in paragraph (5) by adding at the end the following new subparagraphs:

"(D)(i) Upon request therefor by citizens of the United States who engage in a specified activity (other than commercial fishing) within a specific geographic region, the Secretary shall authorize, for periods of not more than 1 year, subject to such conditions as the Secretary may specify, the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock by such citizens while engaging in that activity within that region if the Secretary finds that such harassment during each period concerned—

"(I) will have a negligible impact on such species or stock, and

"(II) will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b), or section 109(f) or pursuant to a cooperative agreement under section 119.

"(ii) The authorization for such activity shall prescribe, where applicable—

"(I) permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119,

"(II) the measures that the Secretary determines are necessary to ensure no unmitigable adverse impact on the availability of the species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119, and

"(III) requirements pertaining to the monitoring and reporting of such taking by harassment, including requirements for the independent peer review of proposed monitoring plans or other research proposals where the proposed activity may affect the availability of a species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119.

"(iii) The Secretary shall publish a proposed authorization not later than 45 days after receiving an application under this subparagraph and request public comment through notice in the Federal Register, newspapers of general cir-

ulation, and appropriate electronic media and to all locally affected communities for a period of 30 days after publication. Not later than 45 days after the close of the public comment period, if the Secretary makes the findings set forth in clause (i), the Secretary shall issue an authorization with appropriate conditions to meet the requirements of clause (ii).

"(iv) The Secretary shall modify, suspend, or revoke an authorization if the Secretary finds that the provisions of clauses (i) or (ii) are not being met.

"(v) A person conducting an activity for which an authorization has been granted under this subparagraph shall not be subject to the penalties of this Act for taking by harassment that occurs in compliance with such authorization.

"(E)(i) During any period of up to 3 consecutive years, the Secretary shall allow the incidental, but not the intentional, taking by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)), while engaging in commercial fishing operations, of marine mammals from a species or stock designated as depleted because of its listing as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) if the Secretary, after notice and opportunity for public comment, determines that—

"(I) the incidental mortality and serious injury from commercial fisheries will have a negligible impact on such species or stock;

"(II) a recovery plan has been developed or is being developed for such species or stock pursuant to the Endangered Species Act of 1973; and

"(III) where required under section 118, a monitoring program is established under subsection (d) of such section, vessels engaged in such fisheries are registered in accordance with such section, and a take reduction plan has been developed or is being developed for such species or stock.

"(ii) Upon a determination by the Secretary that the requirements of clause (i) have been met, the Secretary shall publish in the Federal Register a list of those fisheries for which such determination was made, and, for vessels required to register under section 118, shall issue an appropriate permit for each authorization granted under such section to vessels to which this paragraph applies. Vessels engaged in a fishery included in the notice published by the Secretary under this clause which are not required to register under section 118 shall not be subject to the penalties of this Act for the incidental taking of marine mammals to which this paragraph applies, so long as the owner or master of such vessel reports any incidental mortality or injury of such marine mammals to the Secretary in accordance with section 118.

"(iii) If, during the course of the commercial fishing season, the Secretary determines that the level of incidental mortality or serious injury from commercial fisheries for which a determination was made under clause (i) has resulted or is likely to result in an impact that is more than negligible on the endangered or threatened species or stock, the Secretary shall use the emergency authority granted under section 118 to protect such species or stock, and may modify any permit granted under this paragraph as necessary.

"(iv) The Secretary may suspend for a time certain or revoke a permit granted under this subparagraph only if the Secretary determines that the conditions or limitations set forth in such permit are not being complied with. The Secretary may amend or modify, after notice and opportunity for public comment, the list of fisheries published under clause (ii) whenever

the Secretary determines there has been a significant change in the information or conditions used to determine such list.

"(v) Sections 103 and 104 shall not apply to the taking of marine mammals under the authority of this subparagraph.

"(vi) This subparagraph shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500)."; and

(6) by adding at the end the following new paragraph:

"(6)(A) A marine mammal product may be imported into the United States if the product—

"(i) was legally possessed and exported by any citizen of the United States in conjunction with travel outside the United States, provided that the product is imported into the United States by the same person upon the termination of travel;

"(ii) was acquired outside of the United States as part of a cultural exchange by an Indian, Aleut, or Eskimo residing in Alaska; or

"(iii) is owned by a Native inhabitant of Russia, Canada, or Greenland and is imported for noncommercial purposes in conjunction with travel within the United States or as part of a cultural exchange with an Indian, Aleut, or Eskimo residing in Alaska.

"(B) For the purposes of this paragraph, the term—

"(i) 'Native inhabitant of Russia, Canada, or Greenland' means a person residing in Russia, Canada, or Greenland who is related by blood, is a member of the same clan or ethnological grouping, or shares a common heritage with an Indian, Aleut, or Eskimo residing in Alaska; and

"(ii) 'cultural exchange' means the sharing or exchange of ideas, information, gifts, clothing, or handicrafts between an Indian, Aleut, or Eskimo residing in Alaska and a Native inhabitant of Russia, Canada, or Greenland, including rendering of raw marine mammal parts as part of such exchange into clothing or handicrafts through carving, painting, sewing, or decorating."

(b) ACTIONS AFFECTING SECTION 101(b).—Section 101(b) (16 U.S.C. 1371(b)) is amended by adding at the end the following new sentences: "In promulgating any regulation or making any assessment pursuant to a hearing or proceeding under this subsection or section 117(b)(2), or in making any determination of depletion under this subsection or finding regarding unmitigable adverse impacts under subsection (a)(5) that affects stocks or persons to which this subsection applies, the Secretary shall be responsible for demonstrating that such regulation, assessment, determination, or finding is supported by substantial evidence on the basis of the record as a whole. The preceding sentence shall only be applicable in an action brought by one or more Alaska Native organizations representing persons to which this subsection applies."

(c) TAKING IN DEFENSE OF SELF OR OTHERS.—Section 101(c) (16 U.S.C. 1371(c)) is amended to read as follows:

"(c) It shall not be a violation of this Act to take a marine mammal if such taking is imminently necessary in self-defense or to save the life of a person in immediate danger, and such taking is reported to the Secretary within 48 hours. The Secretary may seize and dispose of any carcass."

SEC. 5. PERMITS.

(a) PROHIBITIONS.—Section 102(a) (16 U.S.C. 1372(a)) is amended—

(1) in paragraph (2)(B) by striking "for any purpose in any way connected with the taking or importation of" and inserting "to take or import"; and

(2) in paragraph (4) by—

(A) striking "or offer to purchase or sell" and inserting "export, or offer to purchase, sell, or export";

(B) striking "product; and" and inserting "product—"; and

(C) inserting after and below the text of the paragraph the following:

"(A) that is taken in violation of this Act; or
 "(B) for any purpose other than public display, scientific research, or enhancing the survival of a species or stock as provided for under subsection 104(c); and"

(b) PERMITS.—Section 104 (16 U.S.C. 1374) is amended—

(1) in subsection (a) by adding at the end the following: "Permits for the incidental taking of marine mammals in the course of commercial fishing operations may only be issued as specifically provided for in sections 101(a)(5) or 306, or subsection (h) of this section.";

(2) in subsection (c)—

(A) in paragraph (1) in the first sentence by striking "and after";

(B) by amending paragraph (2) to read as follows:

"(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

"(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;

"(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and

"(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

"(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

"(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

"(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

"(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

"(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

"(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

"(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

"(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

"(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

"(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

"(D) If the Secretary—

"(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit

under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

"(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A) (i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

"(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10)."

(C) by amending paragraph (3) to read as follows:

"(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in injury to a species, stock, or individual, or in loss of unique research opportunities.

"(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

"(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

"(i) The species or stocks of marine mammals which may be harassed.

"(ii) The geographic location of the research.

"(iii) The period of time over which the research will be conducted.

"(iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.

"(v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general authorization, the Secretary shall issue a letter to the applicant confirming that the general authorization applies, or, if the pro-

posed research is likely to result in the taking (including Level A harassment) of a marine mammal, shall notify the applicant that subparagraph (A) applies." and

(D) by adding at the end the following new paragraphs:

"(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada, including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada by the applicant. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

"(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

"(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level;

"(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and

"(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

"(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

"(C)(i) The Secretary shall undertake a scientific review of the impact of permits issued under this paragraph on the polar bear population stocks in Canada within 2 years after the date of enactment of this paragraph. The Secretary shall provide an opportunity for public comment during the course of such review, and shall include a response to such public comment in the final report on such review.

"(ii) The Secretary shall not issue permits under this paragraph after September 30, 1996, if the Secretary determines, based on the scientific review, that the issuance of permits under this paragraph is having a significant adverse impact on the polar bear population stocks in Canada. The Secretary may review such determination annually thereafter, in light of the best scientific information available, and shall complete the review not later than January 31 in any year a review is undertaken. The Secretary may issue permits under this paragraph whenever the Secretary determines, on the basis of such annual review, that the issuance of permits under this paragraph is not having a significant adverse impact on the polar bear population stocks in Canada.

"(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

"(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

"(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

"(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

"(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

"(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

"(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

"(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3); or

"(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

"(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

"(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

"(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

"(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

"(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

"(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

"(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

"(A) The name of the marine mammal or other identification.

"(B) The sex of the marine mammal.

"(C) The estimated or actual birth date of the marine mammal.

"(D) The date of acquisition or disposition of the marine mammal by the permit holder.

"(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

"(F) If the marine mammal is transferred, the name of the recipient.

"(G) A notation if the animal was acquired as the result of a stranding.

"(H) The date of death of the marine mammal and the cause of death when determined." and

(3) in subsection (e)(1) by—

(A) striking "or" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting " , or " ; and

(C) adding at the end the following new subparagraph:

"(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear population stocks are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear population stocks throughout their range."

(c) EXISTING PERMITS.—Any permit issued under section 104(c)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(2)) before the date of the enactment of this Act is hereby modified to be consistent with that section as amended by this Act.

SEC. 6. PURPOSE AND USE OF THE FUND.

Section 405 (16 U.S.C. 1421d), as so redesignated by this Act, is amended—

(1) in subsection (b)(1)(A)—

(A) by striking "and" at the end of clause (i); and

(B) by inserting at the end the following new clause:

"(iii) for care and maintenance of marine mammal seized under section 104(c)(2)(D); and"; and

(2) in subsection (d) by inserting after "For purposes of carrying out this title" the following: "and section 104(c)(2)(D)".

SEC. 7. REGULATIONS AND ADMINISTRATION; APPLICATION TO OTHER TREATIES AND CONVENTIONS.

(a) MEASURES FOR IMPACTS ON STRATEGIC STOCKS.—Section 112 (16 U.S.C. 1382) is amended by adding at the end the following new subsection:

"(e) If the Secretary determines, based on a stock assessment under section 117 or other significant new information obtained under this Act, that impacts on rookeries, mating grounds, or other areas of similar ecological significance to marine mammals may be causing the decline or impeding the recovery of a strategic stock, the Secretary may develop and implement conservation or management measures to alleviate those impacts. Such measures shall be developed and implemented after consultation with the Marine Mammal Commission and the appropriate Federal agencies and after notice and opportunity for public comment."

(b) INTERNATIONAL POLAR BEAR CONSERVATION.—Section 113 (16 U.S.C. 1383) is amended by—

(1) designating the existing paragraph as subsection (a); and

(2) adding at the end the following new subsections:

"(b) Not later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior shall, in consultation with the contracting parties, initiate a review of the effectiveness of the Agreement on the Conservation of Polar Bears, as provided for in Article IX of the Agreement, and establish a process by which future reviews shall be conducted.

"(c) The Secretary of the Interior, in consultation with the Secretary of State and the Marine Mammal Commission, shall review the effectiveness of United States implementation of the Agreement on the Conservation of Polar Bears, particularly with respect to the habitat protection mandates contained in Article II. The Secretary shall report the results of this review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than April 1, 1995.

"(d) Not later than 6 months after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior, acting through the Secretary of State

and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. The Secretary shall report the results of this consultation and provide periodic progress reports on the research and management programs to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate."

SEC. 8. CONSERVATION PLANS.

Section 115(b) (16 U.S.C. 1383b(b)) is amended by adding at the end the following new paragraph:

"(4) If the Secretary determines that a take reduction plan is necessary to reduce the incidental taking of marine mammals in the course of commercial fishing operations from a strategic stock, or for species or stocks which interact with a commercial fishery for which the Secretary has made a determination under section 118(f)(1), any conservation plan prepared under this subsection for such species or stock shall incorporate the take reduction plan required under section 118 for such species or stock."

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENTS OF COMMERCE AND THE INTERIOR.—Section 116 is amended to read as follows:

"SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEPARTMENT OF COMMERCE.—(1) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out its functions and responsibilities under this title (other than sections 117 and 118) and title IV, \$12,138,000 for fiscal year 1994, \$12,623,000 for fiscal year 1995, \$13,128,000 for fiscal year 1996, \$13,653,000 for fiscal year 1997, \$14,200,000 for fiscal year 1998, and \$14,768,000 for fiscal year 1999.

"(2) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out sections 117 and 118, \$20,000,000 for each of the fiscal years 1994 through 1999.

"(b) DEPARTMENT OF THE INTERIOR.—There are authorized to be appropriated to the Department of the Interior, for purposes of carrying out its functions and responsibilities under this title, \$8,000,000 for fiscal year 1994, \$8,600,000 for fiscal year 1995, \$9,000,000 for fiscal year 1996, \$9,400,000 for fiscal year 1997, \$9,900,000 for fiscal year 1998, and \$10,296,000 for fiscal year 1999."

(b) MARINE MAMMAL COMMISSION.—Section 207 is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS. "There are authorized to be appropriated to the Marine Mammal Commission, for purposes of carrying out this title, \$1,500,000 for fiscal year 1994, \$1,550,000 for fiscal year 1995, \$1,600,000 for fiscal year 1996, \$1,650,000 for fiscal year 1997, \$1,700,000 for fiscal year 1998, and \$1,750,000 for fiscal year 1999."

(c) REPEAL.—Section 7 of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384 and 1407), is repealed.

SEC. 10. STOCK ASSESSMENTS.

Title I (16 U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

"SEC. 117. STOCK ASSESSMENTS.

"(a) IN GENERAL.—Not later than August 1, 1994, the Secretary shall, in consultation with the appropriate regional scientific review group established under subsection (d), prepare a draft stock assessment for each marine mammal stock which occurs in waters under the jurisdiction of

the United States. Each draft stock assessment, based on the best scientific information available, shall—

"(1) describe the geographic range of the affected stock, including any seasonal or temporal variation in such range;

"(2) provide for such stock the minimum population estimate, current and maximum net productivity rates, and current population trend, including a description of the information upon which these are based;

"(3) estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey;

"(4) describe commercial fisheries that interact with the stock, including—

"(A) the approximate number of vessels actively participating in each such fishery;

"(B) the estimated level of incidental mortality and serious injury of the stock by each such fishery on an annual basis;

"(C) seasonal or area differences in such incidental mortality or serious injury; and

"(D) the rate, based on the appropriate standard unit of fishing effort, of such incidental mortality and serious injury, and an analysis stating whether such level is insignificant and is approaching a zero mortality and serious injury rate;

"(5) categorize the status of the stock as one that either—

"(A) has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population; or

"(B) is a strategic stock, with a description of the reasons therefor; and

"(6) estimate the potential biological removal level for the stock, describing the information used to calculate it, including the recovery factor.

"(b) PUBLIC COMMENT.—(1) The Secretary shall publish in the Federal Register a notice of the availability of a draft stock assessment or any revision thereof and provide an opportunity for public review and comment during a period of 90 days. Such notice shall include a summary of the assessment and a list of the sources of information or published reports upon which the assessment is based.

"(2) Subsequent to the notice of availability required under paragraph (1), if requested by a person to which section 101(b) applies, the Secretary shall conduct a proceeding on the record prior to publishing a final stock assessment or any revision thereof for any stock subject to taking under section 101(b).

"(3) After consideration of the best scientific information available, the advice of the appropriate regional scientific review group established under subsection (d), and the comments of the general public, the Secretary shall publish in the Federal Register a notice of availability and a summary of the final stock assessment or any revision thereof, not later than 90 days after—

"(A) the close of the public comment period on a draft stock assessment or revision thereof; or

"(B) final action on an agency proceeding pursuant to paragraph (2).

"(c) REVIEW AND REVISION.—(1) The Secretary shall review stock assessments in accordance with this subsection—

"(A) at least annually for stocks which are specified as strategic stocks;

"(B) at least annually for stocks for which significant new information is available; and

"(C) at least once every 3 years for all other stocks.

"(2) If the review under paragraph (1) indicates that the status of the stock has changed or

can be more accurately determined, the Secretary shall revise the stock assessment in accordance with subsection (b).

"(d) REGIONAL SCIENTIFIC REVIEW GROUPS.—(1) Not later than 60 days after the date of enactment of this section, the Secretary of Commerce shall, in consultation with the Secretary of the Interior (with respect to marine mammals under that Secretary's jurisdiction), the Marine Mammal Commission, the Governors of affected adjacent coastal States, regional fishery and wildlife management authorities, Alaska Native organizations and Indian tribes, and environmental and fishery groups, establish three independent regional scientific review groups representing Alaska, the Pacific Coast (including Hawaii), and the Atlantic Coast (including the Gulf of Mexico), consisting of individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b). The Secretary of Commerce shall, to the maximum extent practicable, attempt to achieve a balanced representation of viewpoints among the individuals on each regional scientific review group. The regional scientific review groups shall advise the Secretary on—

"(A) population estimates and the population status and trends of such stocks;

"(B) uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

"(C) uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

"(D) research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

"(E) the actual, expected, or potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks, and for strategic stocks, appropriate conservation or management measures to alleviate any such impacts; and

"(F) any other issue which the Secretary or the groups consider appropriate.

"(2) The scientific review groups established under this subsection shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.).

"(3) Members of the scientific review groups shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their obligations.

"(4) The Secretary may appoint or reappoint individuals to the regional scientific review groups under paragraph (1) as needed.

"(e) EFFECT ON SECTION 101(b).—This section shall not affect or otherwise modify the provisions of section 101(b)."

SEC. 11. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

Title I (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 118. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

"(a) IN GENERAL.—(1) Effective on the date of enactment of this section, and except as provided in section 114 and in paragraphs (2), (3), and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16

U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section.

"(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.

"(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500).

"(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.

"(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

"(b) ZERO MORTALITY RATE GOAL.—(1) Commercial fisheries shall reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section.

"(2) Fisheries which maintain insignificant serious injury and mortality levels approaching a zero rate shall not be required to further reduce their mortality and serious injury rates.

"(3) Three years after such date of enactment, the Secretary shall review the progress of all commercial fisheries, by fishery, toward reducing incidental mortality and serious injury to insignificant levels approaching a zero rate. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 year after commencement of the review. The Secretary shall note any commercial fishery for which additional information is required to accurately assess the level of incidental mortality and serious injury of marine mammals in the fishery.

"(4) If the Secretary determines after review under paragraph (3) that the rate of incidental mortality and serious injury of marine mammals in a commercial fishery is not consistent with paragraph (1), then the Secretary shall take appropriate action under subsection (f).

"(c) REGISTRATION AND AUTHORIZATION.—(1) The Secretary shall, within 90 days after the date of enactment of this section—

"(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary's list of commercial fisheries published under section 114(b)(1) and which is in existence on March 31, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery), with respect to commercial fisheries that have—

"(i) frequent incidental mortality and serious injury of marine mammals;

"(ii) occasional incidental mortality and serious injury of marine mammals; or

"(iii) a remote likelihood of or no known incidental mortality or serious injury of marine mammals;

"(B) after the close of the period for such public comment, publish in the Federal Register a

revised list of commercial fisheries and an update of information required by subparagraph (A), together with a summary of the provisions of this section and information sufficient to advise vessel owners on how to obtain an authorization and otherwise comply with the requirements of this section; and

"(C) at least once each year thereafter, and at such other times as the Secretary considers appropriate, reexamine, based on information gathered under this Act and other relevant sources and after notice and opportunity for public comment, the classification of commercial fisheries and other determinations required under subparagraph (A) and publish in the Federal Register any necessary changes.

"(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A) (i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

"(B) No authorization may be granted under this section to the owner of a vessel unless such vessel—

"(i) is a vessel of the United States; or

"(ii) has a valid fishing permit issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)).

"(C) Except as provided in subsection (a), an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this Act applies.

"(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A) (i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—

"(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such exemption is valid;

"(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

"(iii) report as required by subsection (e); and

"(iv) comply with any applicable take reduction plan and emergency regulations issued under this section.

"(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A) (i) or (ii) shall, as a condition of that authorization, take on board an observer if requested to do so by the Secretary.

"(C) An owner of a vessel engaged in a fishery listed under paragraph (1)(A) (i) or (ii) who—

"(i) fails to obtain from the Secretary an authorization for such vessel under this section;

"(ii) fails to maintain a current and valid authorization for such vessel; or

"(iii) fails to ensure that a decal or other physical evidence of such authorization issued by the Secretary is displayed on or is in possession of the master of the vessel,

and the master of any such vessel engaged in such fishery, shall be deemed to have violated this title, and for violations of clauses (i) and (ii) shall be subject to the penalties of this title, and for violations of clause (iii) shall be subject to a fine of not more than \$100 for each offense.

"(D) If the owner of a vessel has obtained and maintains a current and valid authorization from the Secretary under this section and meets the requirements set forth in this section, including compliance with any regulations to implement a take reduction plan under this section, the owner of such vessel, and the master and crew members of the vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals while such vessel is engaged in a fishery to which the authorization applies.

"(E) Each owner of a vessel engaged in any fishery not listed under paragraph (1)(A) (i) or (ii), and the master and crew members of such a vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals if such owner reports to the Secretary, in the form and manner required under subsection (e), instances of incidental mortality or injury of marine mammals in the course of that fishery.

"(4)(A) The Secretary shall suspend or revoke an authorization granted under this section and shall not issue a decal or other physical evidence of the authorization for any vessel until the owner of such vessel complies with the reporting requirements under subsection (e) and such requirements to take on board an observer under paragraph (3)(B) as are applicable to such vessel. Previous failure to comply with the requirements of section 114 shall not bar authorization under this section for an owner who complies with the requirements of this section.

"(B) The Secretary may suspend or revoke an authorization granted under this subsection, and may not issue a decal or other physical evidence of the authorization for any vessel which fails to comply with a take reduction plan or emergency regulations issued under this section.

"(C) The owner and master of a vessel which fails to comply with a take reduction plan shall be subject to the penalties of sections 105 and 107, and may be subject to section 106.

"(5)(A) The Secretary shall develop, in consultation with the appropriate States, affected Regional Fishery Management Councils, and other interested persons, the means by which the granting and administration of authorizations under this section shall be integrated and coordinated, to the maximum extent practicable, with existing fishery licenses, registrations, and related programs.

"(B) The Secretary shall utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the provisions of this section and the means by which they can comply with its requirements.

"(C) The Secretary is authorized to charge a fee for the granting of an authorization under this section. The level of fees charged under this subparagraph shall not exceed the administrative costs incurred in granting an authorization. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in the granting and administration of authorizations under this section.

"(d) MONITORING OF INCIDENTAL TAKES.—(1) The Secretary shall establish a program to monitor incidental mortality and serious injury of

marine mammals during the course of commercial fishing operations. The purposes of the monitoring program shall be to—

"(A) obtain statistically reliable estimates of incidental mortality and serious injury;

"(B) determine the reliability of reports of incidental mortality and serious injury under subsection (e); and

"(C) identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.

"(2) Pursuant to paragraph (1), the Secretary may place observers on board vessels as necessary, subject to the provisions of this section. Observers may, among other tasks—

"(A) record incidental mortality and injury, or by catch of other nontarget species;

"(B) record numbers of marine mammals sighted; and

"(C) perform other scientific investigations.

"(3) In determining the distribution of observers among commercial fisheries and vessels within a fishery, the Secretary shall be guided by the following standards:

"(A) The requirement to obtain statistically reliable information.

"(B) The requirement that assignment of observers is fair and equitable among fisheries and among vessels in a fishery.

"(C) The requirement that no individual person or vessel, or group of persons or vessels, be subject to excessive or overly burdensome observer coverage.

"(D) To the extent practicable, the need to minimize costs and avoid duplication.

"(4) To the extent practicable, the Secretary shall allocate observers among commercial fisheries in accordance with the following priority:

"(A) The highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(B) The second highest priority for allocation shall be for commercial fisheries that have incidental mortality and serious injury of marine mammals from strategic stocks.

"(C) The third highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks for which the level of incidental mortality and serious injury is uncertain.

"(5) The Secretary may establish an alternative observer program to provide statistically reliable information on the species and number of marine mammals incidentally taken in the course of commercial fishing operations. The alternative observer program may include direct observation of fishing activities from vessels, airplanes, or points on shore.

"(6) The Secretary is not required to place an observer on a vessel in a fishery if the Secretary finds that—

"(A) in a situation in which harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered;

"(B) the facilities on a vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(7) The Secretary may, with the consent of the vessel owner, station an observer on board a vessel engaged in a fishery not listed under subsection (c)(1)(A) (i) or (ii).

"(8) Any proprietary information collected under this subsection shall be confidential and shall not be disclosed except—

"(A) to Federal employees whose duties require access to such information;

"(B) to State or tribal employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

"(C) when required by court order; or

"(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.

"(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.

"(e) REPORTING REQUIREMENT.—The owner or operator of a commercial fishing vessel subject to this Act shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

"(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

"(2) The name and address of the vessel owner or operator.

"(3) The name and description of the fishery.

"(4) The species of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence.

"(f) TAKE REDUCTION PLANS.—(1) The Secretary shall develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A) (i) or (ii), and may develop and implement such a plan for any other marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

"(2) The immediate goal of a take reduction plan for a strategic stock shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established for that stock under section 117. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.

"(3) If there is insufficient funding available to develop and implement a take reduction plan for all such stocks that interact with commercial fisheries listed under subsection (c)(1)(A) (i) or (ii), the Secretary shall give highest priority to the development and implementation of take reduction plans for species or stocks whose level of incidental mortality and serious injury exceeds the potential biological removal level, those that

have a small population size, and those which are declining most rapidly.

"(4) Each take reduction plan shall include—

"(A) a review of the information in the final stock assessment published under section 117(b) and any substantial new information;

"(B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;

"(C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury; and

"(D) recommended dates for achieving the specific objectives of the plan.

"(5)(A) For any stock in which incidental mortality and serious injury from commercial fisheries exceeds the potential biological removal level established under section 117, the plan shall include measures the Secretary expects will reduce, within 6 months of the plan's implementation, such mortality and serious injury to a level below the potential biological removal level.

"(B) For any stock in which human-caused mortality and serious injury exceeds the potential biological removal level, other than a stock to which subparagraph (A) applies, the plan shall include measures the Secretary expects will reduce, to the maximum extent practicable within 6 months of the plan's implementation, the incidental mortality and serious injury by such commercial fisheries from that stock. For purposes of this subparagraph, the term 'maximum extent practicable' means to the lowest level that is feasible for such fisheries within the 6-month period.

"(6)(A) At the earliest possible time (not later than 30 days) after the Secretary issues a final stock assessment under section 117(b) for a strategic stock, the Secretary shall, and for stocks that interact with a fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the Secretary may—

"(i) establish a take reduction team for such stock and appoint the members of such team in accordance with subparagraph (C); and

"(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such stock, and a list of all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.

"(B) The Secretary may request a take reduction team to address a stock that extends over one or more regions or fisheries, or multiple stocks within a region or fishery, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.

"(C) Members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the take reduction plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species. Members shall include representatives of Federal agencies, each coastal State which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests.

"(D) Take reduction teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings of take reduction teams shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

"(E) Members of take reduction teams shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.

"(7) Where the human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), the following procedures shall apply in the development of the take reduction plan for the stock:

"(A)(i) Not later than 6 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of this section.

"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

"(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

"(8) Where the human-caused mortality and serious injury from a strategic stock is estimated to be less than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), or for any marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a

determination under paragraph (1), the following procedures shall apply in the development of the take reduction plan for such stock:

"(A)(i) Not later than 11 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for the stock to the Secretary, consistent with the other provisions of this section.

"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

"(E) The Secretary and the take reduction team shall meet on an annual basis, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

"(9) In implementing a take reduction plan developed pursuant to this subsection, the Secretary may, where necessary to implement a take reduction plan to protect or restore a marine mammal stock or species covered by such plan, promulgate regulations which include, but are not limited to, measures to—

"(A) establish fishery-specific limits on incidental mortality and serious injury of marine mammals in commercial fisheries or restrict commercial fisheries by time or area;

"(B) require the use of alternative commercial fishing gear or techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;

"(C) educate commercial fishermen, through workshops and other means, on the importance of reducing the incidental mortality and serious injury of marine mammals in affected commercial fisheries; and

"(D) monitor, in accordance with subsection (d), the effectiveness of measures taken to reduce the level of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations.

"(10)(A) Notwithstanding paragraph (6), in the case of any stock to which paragraph (1) applies for which a final stock assessment has not been published under section 117(b)(3) by April 1, 1995, due to a proceeding under section 117(b)(2), or any Federal court review of such proceeding, the Secretary shall establish a take reduction team under paragraph (6) for such stock as if a final stock assessment had been published.

"(B) The draft stock assessment published for such stock under section 117(b)(1) shall be deemed the final stock assessment for purposes of preparing and implementing a take reduction plan for such stock under this section.

"(C) Upon publication of a final stock assessment for such stock under section 117(b)(3) the Secretary shall immediately reconvene the take reduction team for such stock for the purpose of amending the take reduction plan, and any regulations issued to implement such plan, if necessary, to reflect the final stock assessment or court action. Such amendments shall be made in accordance with paragraph (7)(F) or (8)(F), as appropriate.

"(D) A draft stock assessment may only be used as the basis for a take reduction plan under this paragraph for a period of not to exceed two years, or until a final stock assessment is published, whichever is earlier. If, at the end of the two-year period, a final stock assessment has not been published, the Secretary shall categorize such stock under section 117(a)(5)(A) and shall revoke any regulations to implement a take reduction plan for such stock.

"(E) Subparagraph (D) shall not apply for any period beyond two years during which a final stock assessment for such stock has not been published due to review of a proceeding on such stock assessment by a Federal court. Immediately upon final action by such court, the Secretary shall proceed under subparagraph (C).

"(11) Take reduction plans developed under this section for a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be consistent with any recovery plan developed for such species or stock under section 4 of such Act.

"(g) EMERGENCY REGULATIONS.—(1) If the Secretary finds that the incidental mortality and serious injury of marine mammals from commercial fisheries is having, or is likely to have, an immediate and significant adverse impact on a stock or species, the Secretary shall take actions as follows:

"(A) In the case of a stock or species for which a take reduction plan is in effect, the Secretary shall—

"(i) prescribe emergency regulations that, consistent with such plan to the maximum extent practicable, reduce incidental mortality and serious injury in that fishery; and

"(ii) approve and implement, on an expedited basis, any amendments to such plan that are recommended by the take reduction team to address such adverse impact.

"(B) In the case of a stock or species for which a take reduction plan is being developed, the Secretary shall—

"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery; and

"(ii) approve and implement, on an expedited basis, such plan, which shall provide methods to address such adverse impact if still necessary.

"(C) In the case of a stock or species for which a take reduction plan does not exist and is not being developed, or in the case of a commercial fishery listed under subsection (c)(1)(A)(iii) which the Secretary believes may be contributing to such adverse impact, the Secretary shall—

"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in

that fishery, to the extent necessary to mitigate such adverse impact;

"(ii) immediately review the stock assessment for such stock or species and the classification of such commercial fishery under this section to determine if a take reduction team should be established; and

"(iii) may, where necessary to address such adverse impact on a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), place observers on vessels in a commercial fishery listed under subsection (c)(1)(A)(iii), if the Secretary has reason to believe such vessels may be causing the incidental mortality and serious injury to marine mammals from such stock.

"(2) Prior to taking action under paragraph (1) (A), (B), or (C), the Secretary shall consult with the Marine Mammal Commission, all appropriate Regional Fishery Management Councils, State fishery managers, and the appropriate take reduction team (if established).

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof;

"(B) shall remain in effect for not more than 180 days or until the end of the applicable commercial fishing season, whichever is earlier; and

"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for emergency regulations no longer exist.

"(4) If the Secretary finds that incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for an additional period of not more than 90 days or until reasons for the emergency no longer exist, whichever is earlier.

"(h) PENALTIES.—Except as provided in subsection (c), any person who violates this section shall be subject to the provisions of sections 105 and 107, and may be subject to section 106 as the Secretary shall establish by regulations.

"(i) ASSISTANCE.—The Secretary shall provide assistance to Regional Fishery Management Councils, States, interstate fishery commissions, and Indian tribal organizations in meeting the goal of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.

"(j) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

"(k) CONSULTATION WITH SECRETARY OF THE INTERIOR.—The Secretary shall consult with the Secretary of the Interior prior to taking actions or making determinations under this section that affect or relate to species or population stocks of marine mammals for which the Secretary of the Interior is responsible under this title.

"(l) DEFINITIONS.—As used in this section and section 101(a)(5)(E), each of the terms 'fishery' and 'vessel of the United States' has the same meaning it does in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802)."

SEC. 12. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following:

"(18)(A) The term 'harassment' means any act of pursuit, torment, or annoyance which—

"(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or

"(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

"(B) The term 'Level A harassment' means harassment described in subparagraph (A)(i).

"(C) The term 'Level B harassment' means harassment described in subparagraph (A)(ii).

"(19) The term 'strategic stock' means a marine mammal stock—

"(A) for which the level of direct human-caused mortality exceeds the potential biological removal level;

"(B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 within the foreseeable future; or

"(C) which is listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or is designated as depleted under this Act.

"(20) The term 'potential biological removal level' means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The potential biological removal level is the product of the following factors:

"(A) The minimum population estimate of the stock.

"(B) One-half the maximum theoretical or estimated net productivity rate of the stock at a small population size.

"(C) A recovery factor of between 0.1 and 1.0.

"(21) The term 'Regional Fishery Management Council' means a Regional Fishery Management Council established under section 302 of the Magnuson Fishery Conservation and Management Act.

"(22) The term 'bona fide research' means scientific research on marine mammals, the results of which—

"(A) likely would be accepted for publication in a referred scientific journal;

"(B) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or

"(C) are likely to identify, evaluate, or resolve conservation problems.

"(23) The term 'Alaska Native organization' means a group designated by law or formally chartered which represents or consists of Indians, Aleuts, or Eskimos residing in Alaska.

"(24) The term 'take reduction plan' means a plan developed under section 118.

"(25) The term 'take reduction team' means a team established under section 118.

"(26) The term 'net productivity rate' means the annual per capita rate of increase in a stock resulting from additions due to reproduction, less losses due to mortality.

"(27) The term 'minimum population estimate' means an estimate of the number of animals in a stock that—

"(A) is based on the best available scientific information on abundance, incorporating the precision and variability associated with such information; and

"(B) provides reasonable assurance that the stock size is equal to or greater than the estimate."

SEC. 13. PENALTIES; PROHIBITIONS.

(a) CIVIL PENALTIES.—Section 105(a)(1) (16 U.S.C. 1375(a)(1)) is amended by inserting ", except as provided in section 118," after "thereunder".

(b) CRIMINAL PENALTIES.—Section 105(b) (16 U.S.C. 1375(b)) is amended by inserting "(except as provided in section 118)" after "thereunder".

(c) PROHIBITIONS.—Section 102(a) (16 U.S.C. 1372(a)) is amended by striking "and 114 of this title or title III" and inserting "114, and 118 of this title and title IV".

SEC. 14. INDIAN TREATY RIGHTS; ALASKA NATIVE SUSTAINANCE.

Nothing in this Act, including any amendments to the Marine Mammal Protection Act of 1972 made by this Act—

(1) alters or is intended to alter any treaty between the United States and one or more Indian tribes; or

(2) affects or otherwise modifies the provisions of section 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(b)), except as specifically provided in the amendment made by section 4(b) of this Act.

SEC. 15. TRANSITION RULE; IMPLEMENTING REGULATIONS.

(a) **TRANSITION RULE.**—Section 114(a)(1) (16 U.S.C. 1383a(a)(1)) is amended by striking "ending April 1, 1994," and inserting in lieu thereof "until superseded by regulations prescribed under section 118, or until September 1, 1995, whichever is earlier."

(b) **IMPLEMENTING REGULATIONS.**—Except as provided otherwise in this Act, or the amendments to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) made by this Act, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall, after notice and opportunity for public comment, promulgate regulations to implement this Act and the amendments made by this Act by January 1, 1995.

SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **DEFINITIONS.**—Section 3 (16 U.S.C. 1362) is amended—

(1) by striking paragraph (17); and
(2) by redesignating the second paragraph (15) and paragraph (16) as paragraphs (16) and (17), respectively.

(b) **UNUSUAL MORTALITY EVENT FUND.**—Section 405(a) (16 U.S.C. 1421d(a)), as so redesignated by this Act, is amended by striking "a fund" and inserting in lieu thereof "an interest bearing fund".

SEC. 17. HUMAN ACTIVITIES WITHIN PROXIMITY OF WHALES.

(a) **LAWFUL APPROACHES.**—In waters of the United States surrounding the State of Hawaii, it is lawful for a person subject to the jurisdiction of the United States to approach, by any means other than an aircraft, no closer than 100 yards to a humpback whale, regardless of whether the approach is made in waters designated under section 222.31 of title 50, Code of Federal Regulations, as cow/calf waters.

(b) **TERMINATION OF LEGAL EFFECT OF CERTAIN REGULATIONS.**—Subsection (b) of section 222.31 of title 50, Code of Federal Regulations, shall cease to be in force and effect.

SEC. 18. SCRIMSHAW EXEMPTIONS.

Notwithstanding any other provision of law, any valid certificate of exemption renewed by the Secretary (or deemed to be renewed) under section 10(f)(8) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)(8)) for any person holding such a certificate with respect to the possession of pre-Act finished scrimshaw products or raw material for such products shall remain valid for a period not to exceed 5 years beginning on the date of enactment of this Act.

SEC. 19. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

Title I (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 119. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

(a) **IN GENERAL.**—The Secretary may enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives.

(b) **GRANTS.**—Agreements entered into under this section may include grants to Alaska Native organizations for, among other purposes—

"(1) collecting and analyzing data on marine mammal populations;

"(2) monitoring the harvest of marine mammals for subsistence use;

"(3) participating in marine mammal research conducted by the Federal Government, States, academic institutions, and private organizations; and

"(4) developing marine mammal co-management structures with Federal and State agencies.

"(c) **EFFECT OF JURISDICTION.**—Nothing in this section is intended or shall be construed—

"(1) as authorizing any expansion or change in the respective jurisdiction of Federal, State, or tribal governments over fish and wildlife resources; or

"(2) as altering in any respect the existing political or legal status of Alaska Natives, or the governmental or jurisdictional status of Alaska Native communities or Alaska Native entities.

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the purposes of carrying out this section—

"(1) \$1,500,000 to the Secretary of Commerce for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999; and

"(2) \$1,000,000 to the Secretary of the Interior for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999.

The amounts authorized to be appropriated under this subsection are in addition to the amounts authorized to be appropriated under section 116."

SEC. 20. MARINE ECOSYSTEM PROTECTION.

Section 110 (16 U.S.C. 1380) is amended by striking subsection (c) and inserting the following:

"(c)(1) No later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of Commerce shall convene a regional workshop for the Gulf of Maine to assess human-caused factors affecting the health and stability of that marine ecosystem, of which marine mammals are a part. The workshop shall be conducted in consultation with the Marine Mammal Commission, the adjacent coastal States, individuals with expertise in marine mammal biology and ecology, representatives from environmental organizations, the fishing industry, and other appropriate persons. The goal of the workshop shall be to identify such factors, and to recommend a program of research and management to restore or maintain that marine ecosystem and its key components that—

"(A) protects and encourages marine mammals to develop to the greatest extent feasible commensurate with sound policies of resource management;

"(B) has as the primary management objective the maintenance of the health and stability of the marine ecosystems;

"(C) ensures the fullest possible range of management options for future generations; and

"(D) permits nonwasteful, environmentally sound development of renewable and nonrenewable resources.

"(2) On or before December 31, 1995, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report containing the results of the workshop under this subsection, proposed regulatory or research actions, and recommended legislative action.

"(d)(1) The Secretary of Commerce, in consultation with the Secretary of the Interior, the Marine Mammal Commission, the State of Alaska, and Alaska Native organizations, shall, not later than 180 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, undertake a scientific research program to monitor the health and stability of the Bering Sea marine ecosystem and to resolve uncertainties concerning the causes of population declines of marine mammals, sea birds,

and other living resources of that marine ecosystem. The program shall address the research recommendations developed by previous workshops on Bering Sea living marine resources, and shall include research on subsistence uses of such resources and ways to provide for the continued opportunity for such uses.

"(2) To the maximum extent practicable, the research program undertaken pursuant to paragraph (1) shall be conducted in Alaska. The Secretary of Commerce shall utilize, where appropriate, traditional local knowledge and may contract with a qualified Alaska Native organization to conduct such research.

"(3) The Secretary of Commerce, the Secretary of the Interior, and the Commission shall address the status and findings of the research program in their annual reports to Congress required by sections 103(f) and 204 of this Act."

SEC. 21. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

Section 308(b) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)) is amended by striking "\$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995" and inserting in lieu thereof "\$65,000,000 for each of the fiscal years 1994 and 1995".

SEC. 22. COASTAL ECOSYSTEM HEALTH.

(a) **REQUIREMENT TO CONVEY.**—Not later than September 30, 1994, the Secretary of the Navy shall convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the northwest side of Pier R, and the fence line between the buildings known as 200 and NS-16. Such property shall include Pier R, the buildings known as RTC-1, RTC-4, 200, and 1874, all towers and outbuildings on that property, and all walkways and parking areas associated with such buildings and Pier R.

(b) **SURVEY; EFFECT ON LIABILITY OF SECRETARY OF THE NAVY.**—The acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey approved by the Secretary of the Navy. Such conveyance shall not release the Secretary of the Navy from any liability arising prior to, during, or after such conveyance as a result of the ownership or occupation of the property by the United States Navy.

(c) **USE BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—The property conveyed pursuant to this section shall be used by the Secretary of Commerce in support of the operations of the National Oceanic and Atmospheric Administration.

(d) **REVERSION RIGHTS.**—Conveyance of the property pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately be conveyed to the public entity vested with ownership of the remainder of the Charleston Naval Base, if and when—

(1) continued ownership and occupation of the property by the National Oceanic and Atmospheric Administration no longer is compatible with the comprehensive plan for reuse of the Charleston Naval Base developed by the community reuse committee and approved by the Secretary of the Navy; and

(2) such public entity provides for relocation of the programs and personnel of the National Oceanic and Atmospheric Administration occupying such property, at no further cost to the United States Government, to a comparable facility, including adjacent waterfront and pier, within the Charleston area.

SEC. 23. PACIFIC COAST TASK FORCE; GULF OF MAINE.

Title I (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 120. PACIFIC COAST TASK FORCE; GULF OF MAINE.

"(a) PINNIPED REMOVAL AUTHORITY.—Notwithstanding any other provision of this title, the Secretary may permit the intentional lethal taking of pinnipeds in accordance with this section.

"(b) APPLICATION.—(1) A State may apply to the Secretary to authorize the intentional lethal taking of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid fishery stocks which—

"(A) have been listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(B) the Secretary finds are approaching threatened species or endangered species status (as those terms are defined in that Act); or

"(C) migrate through the Ballard Locks at Seattle, Washington.

"(2) Any such application shall include a means of identifying the individual pinniped or pinnipeds, and shall include a detailed description of the problem interaction and expected benefits of the taking.

"(c) ACTIONS IN RESPONSE TO APPLICATION.—

(1) Within 15 days of receiving an application, the Secretary shall determine whether the application has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force to address the situation described in the application. If the Secretary determines sufficient evidence has been provided, the Secretary shall establish a Pinniped-Fishery Interaction Task Force and publish a notice in the Federal Register requesting public comment on the application.

"(2) A Pinniped-Fishery Interaction Task Force established under paragraph (1) shall consist of designated employees of the Department of Commerce, scientists who are knowledgeable about the pinniped interaction that the application addresses, representatives of affected conservation and fishing community organizations, Indian Treaty tribes, the States, and such other organizations as the Secretary deems appropriate.

"(3) Within 60 days after establishment, and after reviewing public comments in response to the Federal Register notice under paragraph (1), the Pinniped-Fishery Interaction Task Force shall—

"(A) recommend to the Secretary whether to approve or deny the proposed intentional lethal taking of the pinniped or pinnipeds, including along with the recommendation a description of the specific pinniped individual or individuals, the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority; and

"(B) suggest nonlethal alternatives, if available and practicable, including a recommended course of action.

"(4) Within 30 days after receipt of recommendations from the Pinniped-Fishery Interaction Task Force, the Secretary shall either approve or deny the application. If such application is approved, the Secretary shall immediately take steps to implement the intentional lethal taking, which shall be performed by Federal or State agencies, or qualified individuals under contract to such agencies.

"(5) After implementation of an approved application, the Pinniped-Fishery Interaction Task Force shall evaluate the effectiveness of the permitted intentional lethal taking or alternative actions implemented. If implementation was ineffective in eliminating the problem interaction, the Task Force shall recommend additional actions. If the implementation was effective, the Task Force shall so advise the Secretary, and the Secretary shall disband the Task Force.

"(d) CONSIDERATIONS.—In considering whether an application should be approved or denied, the Pinniped-Fishery Interaction Task Force and the Secretary shall consider—

"(1) population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;

"(2) past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success;

"(3) the extent to which such pinnipeds are causing undue injury or impact to, or imbalance with, other species in the ecosystem, including fish populations; and

"(4) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

"(e) LIMITATION.—The Secretary shall not approve the intentional lethal taking of any pinniped from a species or stock that is—

"(1) listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(2) depleted under this Act; or

"(3) a strategic stock.

"(f) CALIFORNIA SEA LIONS AND PACIFIC HARBOR SEALS; INVESTIGATION AND REPORT.—

"(1) The Secretary shall engage in a scientific investigation to determine whether California sea lions and Pacific harbor seals—

"(A) are having a significant negative impact on the recovery of salmonid fishery stocks which have been listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or which the Secretary finds are approaching such endangered species or threatened species status; or

"(B) are having broader impacts on the coastal ecosystems of Washington, Oregon, and California.

The Secretary shall conclude this investigation and prepare a report on its results no later than October 1, 1995.

"(2) Upon completion of the scientific investigation required under paragraph (1), the Secretary shall enter into discussions with the Pacific States Marine Fisheries Commission, on behalf of the States of Washington, Oregon, and California, for the purpose of addressing any issues or problems identified as a result of the scientific investigation, and to develop recommendations to address such issues or problems. Any recommendations resulting from such discussions shall be submitted, along with the report, to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(3) The Secretary shall make the report and the recommendations submitted under paragraph (2) available to the public for review and comment for a period of 90 days.

"(4) There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the provisions of this subsection.

"(5) The amounts appropriated under section 308(c) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(c)) and allocated to the Pacific States Marine Fisheries Commission may be used by the Commission to participate in discussions with the Secretary under paragraph (2).

"(g) REGIONWIDE PINNIPED-FISHERY INTERACTION STUDY.—

"(1) The Secretary may conduct a study, of not less than three high predation areas in anadromous fish migration corridors within the Northwest Region of the National Marine Fisheries Service, on the interaction between fish and pinnipeds. In conducting the study, the Secretary shall consult with other State and Federal agencies with expertise in pinniped-fishery interaction. The study shall evaluate—

"(A) fish behavior in the presence of predators generally;

"(B) holding times and passage rates of anadromous fish stocks in areas where such fish are vulnerable to predation;

"(C) whether additional facilities exist, or could be reasonably developed, that could improve escapement for anadromous fish; and

"(D) other issues the Secretary considers relevant.

"(2) Subject to the availability of appropriations, the Secretary may, not later than 18 months after the commencement of the study under this subsection, transmit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

"(3) The study conducted under this subsection may not be used by the Secretary as a reason for delaying or deferring a determination or consideration under subsection (c) or (d).

"(h) GULF OF MAINE TASK FORCE.—The Secretary shall establish a Pinniped-Fishery Interaction Task Force to advise the Secretary on issues or problems regarding pinnipeds interacting in a dangerous or damaging manner with aquaculture resources in the Gulf of Maine. No later than 2 years from the date of enactment of this section, the Secretary shall after notice and opportunity for public comment submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing recommended available alternatives to mitigate such interactions.

"(i) REQUIREMENTS APPLICABLE TO TASK FORCES.—(1) Any task force established under this section—

"(A) shall to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests; and

"(B) shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.).

"(2) Meetings of any task force established under this section shall be open to the public, and prior notice of those meetings shall be given to the public by the task force in a timely fashion.

"(j) GULF OF MAINE HARBOR PORPOISE.—(1) Nothing in section 117 shall prevent the Secretary from publishing a stock assessment for Gulf of Maine harbor porpoise in an expedited fashion.

"(2) In developing and implementing a take reduction plan under section 118 for Gulf of Maine harbor porpoise, the Secretary shall consider all actions already taken to reduce incidental mortality and serious injury of such stock, and may, based on the recommendations of the take reduction team for such stock, modify the time period required for compliance with section 118(f)(5)(A), but in no case may such modification extend the date of compliance beyond April 1, 1997."

SEC 24. FURTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS RELATING TO DEFINITION OF SECRETARY.—

(1) EXECUTION OF PRIOR AMENDMENTS.—The amendments set forth in section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067)—

(A) are deemed to have been made by that section to section 3(12) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)); and

(B) shall not be considered to have been made by that section to section 3(11) of that Act (16 U.S.C. 1362(11)).

(2) FURTHER TECHNICAL AND CONFORMING AMENDMENTS.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972, as deemed by paragraph (1)(A) of this subsection to have been

amended by section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067), is further amended in subparagraph (B) by striking "in title III" and inserting "in section 118 and title IV".

(b) MARINE MAMMAL HEALTH AND STRANDING RESPONSE.—The Act (16 U.S.C. 1361 et seq.) is amended—

(1) by redesignating title III, as added by Public Law 102-587 (106 Stat. 5060), as title IV; and

(2) by redesignating the sections of that title (16 U.S.C. 1421 through 1421h) as sections 401 through 409, respectively.

(c) FURTHER AMENDMENTS TO TITLE IV.—The Act (16 U.S.C. 1361 et seq.) is amended—

(1) in section 401(b)(3) (as redesignated by this section) by striking "304" and inserting "404";

(2) in section 405(b)(1)(A)(i) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";

(3) in section 406(a)(2)(A) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";

(4) in section 406(a)(2)(B) (as redesignated by this section) by striking "304(c)" and inserting "404(c)";

(5) in section 408(1) (as redesignated by this section)—

(A) by striking "305" and inserting "405", and

(B) by striking "307" and inserting "407";

(6) in section 408(2) (as redesignated by this section) by striking "307" and inserting "407";

(7) in section 409(1) (as redesignated by this section) by striking "305(a)" and inserting "405(a)";

(8) in section 409(5) (as redesignated by this section) by striking "307(a)" and inserting "407(a)";

(9) in section 102(a) (16 U.S.C. 1372(a)) by striking "title III" and inserting "title IV";

(10) in section 109(h)(1) (16 U.S.C. 1379(h)(1)) by striking "title III" and inserting "title IV";

(11) in section 112(c) (16 U.S.C. 1382(c)) by striking "or title III" and inserting "or title IV"; and

(12) in the table of contents in the first section, by striking the items relating to the title that is redesignated by subsection (b) of this section and the sections that are redesignated by subsection (b) of this section and inserting the following:

"TITLE IV—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

"Sec. 401. Establishment of program.

"Sec. 402. Determination; data collection and dissemination.

"Sec. 403. Stranding response agreements.

"Sec. 404. Unusual mortality event response.

"Sec. 405. Unusual mortality event activity funding.

"Sec. 406. Liability.

"Sec. 407. National Marine Mammal Tissue Bank and tissue analysis.

"Sec. 408. Authorization of appropriations.

"Sec. 409. Definitions."

(d) CLERICAL AMENDMENTS.—The portion of the table of contents in the first section of the Act relating to title I is amended by adding at the end the following new items:

"Sec. 117. Stock assessments.

"Sec. 118. Taking of marine mammals incidental to commercial fishing operations.

"Sec. 119. Marine mammal cooperative agreements in Alaska.

"Sec. 120. Pacific Coast Task Force; Gulf of Maine."

(e) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if enacted as part of section 3004 of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067).

SEC. 25. TRANSFER.

Of amounts appropriated by Public Law 103-139 to the Department of the Navy for Ship-

building and Conversion, Navy, the Secretary of the Navy shall transfer \$8,000,000 not later than May 15, 1994, to the Administrator of the Maritime Administration for the conversion of the USNS CHAUVENET to a training ship for the Texas Maritime Academy's Training Program.

The SPEAKER pro tempore (Mr. KREIDLER). Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, S. 1636 reauthorizes the Marine Mammal Protection Act of 1972 [MMPA]. Following more than a year of negotiations with the fishing industry, the public display community, the oil industry, environmental and animal welfare groups, and Alaska Natives, on March 21 my colleagues and I brought to this floor a good bill—a bill that focused the limited resources of the affected Federal agencies where they are most needed, maintained the zero mortality rate goal of the act, and provided protection for the essential habitats of marine mammals. Most importantly, the bill enabled our fishermen to continue fishing while still protecting whales and dolphins for future generations to enjoy, as is clearly the wish of the American people. That bill passed the House overwhelmingly under suspension of the rules.

On March 22, after 24 hours of intense negotiations with our colleagues in the other body, we returned to this floor and asked you to consider a negotiated text. The clarifications and additional provisions contained in that text made a good bill even better, and again this body approved the bill under suspension of the rules.

Sadly, within 24 hours that bill was completely stalled in the Senate for reasons which have nothing to do with marine mammals, nothing to do with fishermen, and—quite frankly—nothing to do with the good faith negotiations in which I, the gentleman from Texas [Mr. FIELDS], the gentleman from Alaska [Mr. YOUNG], and the rest of my colleagues have been engaged for the past year.

For the past month, we have made every effort to resolve the concerns of special interest groups—particularly the timber industry—who would prevent this legislation from being enacted while they forward their own agenda. We now again ask you consideration of this bill.

Most of the provisions of S. 1636 are unchanged from the bill passed by this body on March 22. Let me begin by telling you what is not in this legislation. It does not contain a hidden agenda to secretly influence the private property battle under the Endangered Species Act. There is not a secret attempt to shut down any industry. There is not a change in the definition of take and

there is no reference to the term harm. There is a provision which clarifies the Secretary's existing authority to develop and implement conservation measures when impacts on areas of special ecological significance to marine mammals, such as mating grounds, are so severe that the existence of a marine mammal stock is threatened. Those conservation measures must be developed in consultation with regional scientific review groups representing a broad range of interests.

Mr. Speaker, let me briefly explain the most substantive change we have made to this bill since its original passage by the House. From the beginning of our negotiations on this legislation, one of our goals has been to provide adequate protection for the important habitats of marine mammals. Over the past 20 years, one lesson has been made clear: that we cannot protect the creatures of this world without protecting their essential habitats. For marine mammals, that translates into protecting feeding grounds, rookeries, nursery grounds, migration paths and the like.

Originally we had amended the definition of "take" in the MMPA to include "harm"; we then defined "harm" to include destruction of significant marine mammal habitats. Unfortunately, some special interest attorneys feared that this change in the MMPA would affect pending litigation concerning the Endangered Species Act. While I do not believe that a court would consider changes to the MMPA as relevant to the ESA, others did—and it quickly became clear that we had to change our strategy to accomplish our goal.

Consequently, we have amended section 112 of the MMPA to explicitly require the Secretaries of Interior and Commerce to give more consideration to the protection of marine mammal habitats. The new language supplements the Secretary's existing authority to protect habitats for species such as polar bears under section 112, as noted in the Merchant Marine and Fisheries report. Since we have created a new process under this act for assessing risks to marine mammal stocks, the new subsection is also intended to assure that the information gained through that process is also applied to habitat protection.

I believe that this approach accomplishes our basic goal of habitat protection while keeping this important reauthorization legislation clear of the litigation quagmire that has so bogged down the reauthorization of the Endangered Species Act.

I would also like to take this opportunity to stress the concerns that have arisen during the reauthorization process regarding west coast populations of seals and sea lions, and to urge the National Marine Fisheries Service to make funding for the study of these issues a priority in the coming fiscal year.

S. 1636 represents good, responsible public policy. It deals fairly with the concerns of fishermen from the shrimpers of Louisiana, to the gillnetters of Massachusetts, to the factory trawlers of Alaska. The fishing industry wants this legislation passed. The administration wants this legislation passed. Environmental organizations want this legislation passed. The zoos and aquariums of this country want this legislation passed. And, as a result of the changes we have made to the original language, the timber industry and the property rights movement do not object to the bill.

On May 1, the MMPA exemption for commercial fishermen expires. If this Congress does not pass a reauthorization by that date, our fishermen face the disastrous possibility of violating the MMPA simply by going about their business. Time is running out. Our colleagues in the Senate are standing by, ready to act on this legislation. Let us get it done.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution which makes in order the adoption of S. 1636, a bill to reauthorize and amend the Marine Mammal Protection Act [MMPA] of 1972. This bill has passed the House before and our action today will send it back to the Senate for their final approval.

The MMPA governs a variety of subjects including public display, scientific research, subsistence use of marine mammals, and the incidental take of marine mammals during commercial fishing operations.

During the past year, the Committee on Merchant Marine and Fisheries has considered a variety of issues during the reauthorization process. I say to the gentleman, "It was a pleasure working with you, Chairman STUDDS, and the other Members to draft language for the consensus document before us today. While there may be a difference of opinion on certain isolated provisions, S. 1636 is the result of many long hours of hard work, determination, and compromise."

Mr. Speaker, as you know, we face a May 1, 1994, deadline to reauthorize the act. I believe the language outlined in the bill governing the interaction of commercial fishing activities with marine mammals does indeed establish a process where good science, scientific working groups, take reduction teams, and stock assessment are all used in rational decisionmaking rather than emotional or moral judgments.

S. 1636 also allows the importation of polar bear trophies from Canada—a country whose polar bear population is healthy. Canada's polar bear management program is based on science, which ensures a sustainable polar bear

population and is consistent with international conservation agreements. The bill ensures that conservation of the polar bears worldwide is not compromised in any way.

Mr. Speaker, as author and cosponsor of these amendments, I would like to discuss several aspects addressing the importation of polar bear trophies from Canada. Let me first state that it is not the intent of the language that the Secretary attempt to impose polar bear management policy or practices on Canada through the imposition of any polar bear import criteria. Canada is the only country which allows polar bears to be harvested by nonresidents through a monitored and enforced sport hunt program carried out in the Northwest Territory. This program identifies individual management units and various polar bear subpopulations. The term "population stock" as defined in the MMPA means a group of marine mammals of the same species in a common spatial arrangement and is used in the bill to refer to these subpopulations and management units which reflect Canada's management regime.

The language allows the Secretary to issue an importation permit to an individual who submits with the permit application proof that the polar bear was legally taken by the individual in Canada. Our intent with this permitting provision is limited to the hunter who actually took the polar bear and who desires to import the trophy. If an individual who has legally taken a polar bear dies prior to the importation, the heirs of that person's estate should be able to apply for an importation permit, provided the necessary documentation is made available.

The language requires the Secretary to undertake a scientific review of the impact of permits issued under this bill on the particular polar bear subpopulation or management unit from which the bears were taken. This review is to be undertaken within 2 years after enactment. It requires the Secretary to issue import permits for sport-hunted polar bear trophies unless the best scientific evidence objectively demonstrates that the permits that have been issued have had a significant adverse impact on the affected polar bear subpopulation.

A significant adverse impact means more than a simple decrease, ordinary fluctuation, or normal change in the population cycle. A decline should not be considered significant if the decline is of short duration, affects a minuscule percentage of the population, or does not jeopardize the sustainability of the species in the long term. The decrease must be proven to be directly related to the trophy imports by sport hunters and of such a magnitude as to warrant suspension of those imports. Even so, the issuance of permits should not be suspended unless Canada does

not reduce the harvest quota in response to this decline.

The Secretary is further authorized to conduct an annual review of this determination at his discretion. If the Secretary does undertake a review, it is required that the review be completed by January 31 of the year in which the review was undertaken. During this time, the Secretary may not refuse to issue permits solely on the basis that the review has not been completed by January 31. Our intent is that each subsequent review would be based on the best scientific information available.

Mr. Speaker, I do not object to the addition of these additional requirements for review of Canada's polar bear management program. I believe that when hunting is managed properly with any species, that activity does not impact on the sustainability of that population. Sport hunting of polar bears in Canada has been shown to be beneficial to and instrumental in conserving the species.

Again, Mr. Speaker, it has been a pleasure having the opportunity to work with the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Alaska [Mr. YOUNG] to ensure that our marine mammal resources are properly managed. I support adoption and urge all Members to vote "aye" on this important legislation.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of this resolution and urge its adoption by the House.

Mr. Speaker, this bill is almost identical to a bill which passed the House nearly a month ago. Unfortunately, at that time the other body disagreed with one of the House provisions and returned the bill to us. Since then, we have come to agreement with the other body and it is my understanding that what we pass today will be accepted and sent to the President for his signature.

The issue of concern was whether the House was accidentally affecting other laws and the resolution of pending court cases. Let me assure you that this was not our intent. We have resolved the issue in two ways:

First, we have made clear that nothing in this bill is intended to amend, appeal, or otherwise affect any other law; and

Second, we have added specific language giving the Secretary authority to regulate activities affecting crucial marine mammal habitat, but only if those activities are leading to the decline of, or impeding the recovery of, a marine mammal that is already in danger.

Let me make clear that this is no way involving the taking of private property. In fact, our staff was unable

to come up with a single example of where private property might exist that served as a rookery or mating area for marine mammals. The intent is simply to have the Secretary and users of marine areas exercise some common sense. For example, if vessels are running over marine mammals when coming into port, there is no reason why they shouldn't be asked to slow down when marine mammals are present. The State of Alaska has taken the initiative in this area by banning vessel traffic around the Round Island Walrus Sanctuary at a time when walrus are present. There is no reason that the Federal Government can't be equally as sensible.

Finally, Mr. Speaker, I want to remind my colleagues that we are facing a May 1 deadline on the expiration of the current commercial fishing exemption. I hope that my colleagues will let our commercial fishermen keep working by not asking for a recorded vote on this measure.

Again, Mr. Speaker, this is a good bill, one that has been worked on by all the members of this committee. Our members and staff have put hundreds of hours into refining this measure and I urge that it be adopted.

I want to compliment the members of the staff, as has been mentioned before, Mr. Moore who works for me, other members of the staff who work so well, and especially the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. FIELDS]. This legislation has been worked out as a compromise, and it shows what can be done in this Congress when we work together. This is a bipartisan effort to solve a very crucial problem that affects my State and other areas, coastal areas, of America.

Mr. STUDDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong support of the Marine Mammal Protection Act and commend the parties for bringing forth this renewed public policy which is so important.

Mr. Speaker, my State has the responsibility to safeguard the presence of marine mammals, endangered species in many instances, the humpbacked whale specifically. Recently we were advised that an under-ocean experiment was to be conducted by Scripps Institution. We were very concerned that the ramifications of such an experiment had not been fully disclosed or analyzed. We were pleased to note that an EIS will be undertaken and that the public will have further opportunities to comment.

Mr. Speaker, were it not for the public policies established under the Marine Mammal Protection Act and other legislation these species would not have this kind of protection.

So, I commend the committee for coming forth with this legislation.

Mr. Speaker, by unanimous consent to include extraneous matter, I include with my remarks the joint testimony the gentleman from Hawaii [Mr. ABERCROMBIE] and I presented at the hearings recently held on Kauai on April 15, as follows:

JOINT STATEMENT ON THE PROPOSED SCRIPPS INSTITUTION ACOUSTIC THERMOMETRY OF OCEAN CLIMATE (ATOC) PROJECT OFF KAUAI

To the National Marine Fisheries Service: Thank you for calling this public hearing in the State of Hawaii to hear comments and concerns from the people of Hawaii about the Acoustic Thermometry experiment planned off the island of Kauai.

We were both unaware of these proposed tests until after the public hearing on March 22, 1994 held in Silver Spring, Md. We read about the tests from newspaper accounts after the hearing. We then joined the Chair of the House Committee on Natural Resources in requesting that hearings be held in California and Hawaii before making a decision on these permit applications.

We are dismayed to learn that federal funds have already been expended in pursuit of this experiment, without public notice and without preparation of an environmental assessment.

We specifically request an explanation of how much of the funds of this project have already been expended and for what purpose, and under what authority.

We also request information on the permit process and why it is that the permit application was not required early on so that the public could have had advance information on the plans and began an inquiry long ago to learn its precise ramifications.

We also request an examination of the various laws that apply in this instance to determine whether the permit application noticed under Section 1361 is adequate under scientific research or whether it should have been filed under Section 1371 (a)(5) regarding incidental taking.

At this late date, we are caught by surprise and without adequate time to investigate the various factors regarding the efficacy, need, validity, duration and other matters in regard to this permit application.

We believe that the National Marine Fisheries Service has a legal responsibility under the law to protect, maintain, and enhance living resources required by endangered species that depend upon these marine areas to survive and propagate.

Further Section 304 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended in 1992 (16 USC 1434), states "Federal agency actions internal or external to a national marine sanctuary, * * * that are likely to * * * injure any sanctuary resource are subject to consultation with the Secretary."

Has this consultation occurred and has a written statement to the Secretary been supplied within the time required?

We ask this question because we are informed that the regulations pertaining to this section have not yet been promulgated. In the absence of any regulations, we question whether a permit can be issued until such consultation as required by law has occurred and whether any permit can issue if there are no regulations governing the process of obtaining this consultation?

After the consultation the statute provides that if the Secretary of Commerce finds that the federal action is likely to cause a loss or injure a sanctuary resource, the Secretary shall recommend reasonable and prudent al-

ternatives which may include taking the action elsewhere in order to protect the sanctuary resource.

Section 306 of the Act of 1972, as amended in 1992, under Prohibited Activities states that "It is unlawful to destroy, cause the loss of, or injure any sanctuary resource". Section 312(a)(1) of the Act of 1972, as amended, invokes civil penalties.

Under the Endangered Species Act Section 7 requires consultations with the "Secretary to ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of the habitat of such species."

Under the law entitled Hawaiian Islands National Marine Sanctuary Act, Section 2301(7), states that the Hawaiian stock of the endangered humpback whale, the largest of the three North Pacific stocks, breed and calve within the waters of the main Hawaiian Islands; and (8) the marine areas surrounding the main Hawaiian Islands, which are essential breeding, calving, and nursing areas for the endangered humpback whale, are subject to damage and loss of their ecological integrity from a variety of disturbances.

The Hawaiian Islands National Marine Sanctuary Act defines the term "adverse impact" as an impact that independently or cumulatively damages, diminishes, degrades, impairs, destroys or otherwise harms.

Section 2304 of the Act states that it is the policy of the United States to protect and preserve humpback whales and their habitat within the Hawaiian islands marine environment.

The statutory enactments that we have cited require that the federal agency seeking to alter this marine environment which now bathes and nurtures marine life including endangered species have the burden of proof to show that what they propose to do will not in any way have an adverse impact on these species.

Noise as a disturbance is of common knowledge. Merely because it is transmitted in the deep ocean does not necessarily mean that the noise will be mitigated. We know that noise from low flying aircraft disturbs the whales.

Adverse reaction is not confined to physical harm such as ruptured tympanic membranes. Adverse reaction could be driving the whales and other species away from the site to avoid the noise. Adverse reaction could be driving the whales and others permanently away from the area, not just the specific site. The noise could result in the whales leaving the Kauai area totally.

Adverse reaction could mean that the whales behavior would be altered. The behavior change could alter their breeding and could even prevent calving. Do you know enough about the behavior of these species to be certain that these adverse reactions would not occur?

What is the need to take this risk? Why not move this project away from the breeding grounds of the whales and other endangered species?

We have taken the extraordinary step to declare certain of our species as endangered. Having done that, we have a special duty to safeguard these species from deliberate man-made harm.

In addition to the whales, several other species are sighted in the waters off Kauai. Four Odontocete species have been found: Bottlenosed dolphins (*Tursiops gilli*), false killer whales (*Pseudorca crassidens*), spinner

dolphins (*Sterna Longirostris*) and spotted dolphins (*Stenella attenuata*). In addition there is the green sea turtle (*Chelonia Mydas*) that frequents these waters between breeding and nesting. And we have the most endangered of all, the Hawaiian monk seal (*Monachus schauinslandi*) sighted on Kauai in 1988, in 1993 and one as recently as last week.

It is not necessary that these animals be disturbed at all.

ATOC is a contradiction to the concept of conserving and nurturing a protected species.

ATOC adds a disturbing element to the natural marine environment which is contrary to the concepts of conservation and preservation.

Hawaii has a special responsibility to save the whales. Hawaii was once the whaling capital of the Pacific. We witnessed the decimation of the whale population. Now we have the whales returning, trusting us to protect them and their vastly diminished numbers.

Creating a humming device placed in the deep ocean to test the changes in ocean temperature through the measuring of the time that sound passes through the ocean to a point as far away as 6000 miles is an experiment which it is argued is needed to test theories of global warming. Given the nature of the likely minuscule recorded changes required to be taken over a long period of time, we are talking about tests being continued over many, many years, likely into the decades of time. This permit ought not to be granted precipitously.

We urge the National Marine Fisheries Service to fully study this matter until it has substantial investigations which indicate that there is no likelihood of disturbance or harm to this habitat.

This permit should not be issued on the basis that the degree of impact is not known. It is precisely because the impact is not known, that we should not proceed until we are satisfied that no likely harm will occur.

We have been advised that the record of these hearings will be left open until May 6th. We have also been advised that an Environmental Impact Statement will be required, and that the public will have 45 days after its publication to submit comments. We specifically request that after the EIS has been prepared in Draft form that another public hearing be held before it becomes final.

It is extremely difficult to testify at these hearings as members of the public not privy to information and data available to the advocates and without the benefit of an environmental assessment or EIS upon which to base our comments.

Accordingly we offer these preliminary remarks in the hope that the National Marine Fisheries Service will be advised of our deep concern that our public responsibility is being compromised.

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Mr. FIELDS of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, before yielding back the balance of my time, I would like to echo the remarks of the gentleman from Texas [Mr. FIELDS] and the gentleman from Alaska [Mr. YOUNG]. The tranquil seas we see on the floor now have been preceded by an occasional storm and squall of controversy. Some

of them have been quite intense, and this really is a testimony to the extraordinary bipartisan spirit of this committee and a very competent staff on both sides of the aisle that we can bring to the Members the tranquillity we see before us now.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of House Resolution 412. Mr. Speaker, the reauthorization of the Marine Mammal Protection Act has been an arduous task and I would like to thank the chairman and the ranking minority members, Mr. FIELDS and Mr. YOUNG, for their leadership and guidance throughout this process.

Since the MMPA was enacted in 1972, it has served to protect various marine mammal populations in the wild from various human threats. The act also safeguards marine mammals by managing human activities affecting them in their natural habitat.

I am aware that there are many sections of this bill that address a myriad of issues, but I would like to focus on one important portion of this bill that deals with the regulation of and interaction of the agencies that oversee the issue of public display. Through the years, there has been much confusion over what role each agency should play. Most recently, this confusion was demonstrated in October, when the National Marine Fisheries Service issued their proposed permit regulations.

I would like to thank the chairman and Mr. YOUNG for clarifying the confusion that this proposed rule caused, and for correcting the problem between agencies. The amendments regarding public display are intended to establish a clear public policy regarding the regulation of activities affecting marine mammals in zoological settings. Over the past 5 years, there has been much confusion in the zoological community due to overlapping jurisdictions. Permits have been delayed for unreasonable periods of time and unnecessary, burdensome, and improper conditions have been attached to such permits.

In addressing this problem, we in committee were able to reaffirm that the standards for the humane handling, care, treatment, and transportation of marine mammals are established under the Animal Welfare Act [AWA] and are developed and administered exclusively by the Animal Plant Health Inspection Service [APHIS] within the Department of Agriculture.

This was done to clarify that the National Marine Fisheries Service cannot set its own standards, by regulation or by attaching to the permits general or specific conditions relating to captive maintenance, since the National Marine Fisheries Service has no authority to do so under the Animal Welfare Act, and still does not have authority to do so under the reauthorization of the MMPA.

Rather, in deciding to issue a permit to an individual or entity that would allow them to "take," that is, collect from the wild, or import a marine mammal for purposes of public display, the only determination that MMFS can make, from the perspective of captive maintenance, is whether the individual or entity has an APHIS license or registration. Possession of such a license automatically means that the licensee's standards for the humane handling, care, treatment, and transportation of the marine mammals to be taken and imported meet the requirements of the Animal Welfare Act.

Section 102(a) of the act has been amended by deleting the words "for any purpose or any way connected to the taking of marine mammals." The deleted words are now replaced by the words to "take or import." In addition, the words "and after" in section 104(c)(1) were deleted. The intent of these amendments is to clarify that the conditions that the Secretary may include in a section 104(c) permit concerning the "supervision, care and transportation that must be observed pursuant to such taking or importation" only pertain to the actual take from the wild, that is, capture and collection; or import but not to the subsequent supervision care and transportation of marine mammal in captivity. After the taking or importation, the standards for the care and maintenance of the marine mammal are established by the Animal Welfare Act and the regulations issued thereunder.

Further, this amendment clarifies that the act's prohibition with regard to the "take" of marine mammals refers to the collection of marine mammals from the wild. After a marine mammal is lawfully collected, for example, under a section 104 permit, the Secretary does not have the authority to regulate the subsequent captive maintenance of the animal.

It has also been clarified the NMFS may issue, as has always been the case, "one-time" permits to take or import marine mammals for purposes of public display. These permits need not be renewed by NMFS periodically once the marine mammal is taken or imported. They are, as also has been the case since the original passage of the MMPA, permits to individuals or entities in relation to the take or import of scientific marine mammals.

Once a marine mammal is taken or imported pursuant to a permit, then it, or its progeny will not longer require any additional permit or authorization in order to be possessed, sold or purchased, transported, exported, or offered to be sold or purchased if the persons involved in any subsequent transaction, meet the requirements that would be necessary under the MMPA to obtain a permit for the purposes of public display, or scientific research or enhancing the survival of a species of stock.

The committee also intends by these amendments to establish the policy that determinations made by the Secretary of Commerce with regard to education or conservation programs are limited to whether programs are based on professionally recognized standards of the public display community—such as, but not limited to, standards already in place for members of the American Zoo and Aquarium Association. The Secretary does not have the authority under this provision to establish any standards or regulations regarding education or conservation programs. This amendment to the current law is consistent with the first amendment of the Constitution which essentially prohibits the Government from issuing "content-based" regulations.

The committee also believes that a person should have the same rights with respect to the progeny of a marine mammal taken or imported under section 106(c) as those rights granted for the take of a marine mammal for public display. Thus, a permit for the purposes of public display grants the possessor of the

marine mammal and its progeny the right, under certain circumstances, to subsequently purchase, offer to purchase, possess, or transport, sell, export, or otherwise transfer possession of the progeny, without the need to obtain any additional permit or authorization under the MMPA.

The persons involved in any subsequent transaction must meet the requirements that would be necessary under the MMPA to obtain a permit for purposes of public display, scientific research, or enhancing the survival of a species or stock.

Finally, the committee intends to establish that existing permits, issued prior to the enactment of these amendments, are automatically modified to be consistent with these amendments. Thus, for example, any terms or conditions that the Secretary has incorporated into existing permits that relate to actual public display of the marine mammals; in the inspection of public display facilities and related records; or the captive maintenance or the standards for the humane handling, care, treatment, and transportation of marine mammals after they are taken or imported pursuant to a permit to take or import for purposes of public display; are null and void.

I believe the changes adopted in the Merchant Marine and Fisheries Committee will clear up the confusion over public display. Aquariums and zoos have faced substantial ambiguity in this area, but the language before us should solve this problem.

Mr. Speaker, again, I salute Chairman STUDDS, Congressman FIELDS, and Congressman YOUNG for their hard work on this issue. S. 1636 is an excellent bill, with strong bipartisan support. I urge the House to pass it without delay.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the resolution, House Resolution 412.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HUMAN SERVICES AMENDMENTS OF 1994

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4250) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes; as amended.

The Clerk read as follows:

H.R. 4250

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 "Human Services Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEAD START PROGRAMS

- Sec. 101. Short title; references in title.
 Sec. 102. Definitions.
 Sec. 103. Services.
 Sec. 104. Authorization of appropriations.
 Sec. 105. Allocation of funds.
 Sec. 106. Report.
 Sec. 107. Designation.
 Sec. 108. Monitoring and quality assurance.
 Sec. 109. Enhanced parent involvement and transition coordination with schools.
 Sec. 110. Facilities and administrative requirements.
 Sec. 111. Participation.
 Sec. 112. Initiative on families with infants and toddlers.
 Sec. 113. Appeals, notice, and hearing.
 Sec. 114. Goals and priorities for training and technical assistance.
 Sec. 115. Staff qualifications and development.
 Sec. 116. Research, demonstrations, evaluation.
 Sec. 117. Announcements and evaluations.
 Sec. 118. Reports.
 Sec. 119. Repeals.
 Sec. 120. Consultation with the Corporation for National and Community Service.
 Sec. 121. Study of benefits for Head Start employees.
 Sec. 122. Study of full-day and full-year Head Start programs.
 Sec. 123. State dependent care development programs.
 Sec. 124. Reauthorization of Child Development Associate Scholarship Assistance Act of 1985.
 Sec. 125. Technical and conforming amendments.
 Sec. 126. Effective date; application of amendments.

TITLE II—COMMUNITY SERVICES BLOCK GRANT AMENDMENTS

- Sec. 201. Short title and references.
 Sec. 202. Authorizations of appropriations.
 Sec. 203. Discretionary authority of Secretary.
 Sec. 204. Community food and nutrition.
 Sec. 205. Instructional activities for low-income youth.
 Sec. 206. Amendment to Stewart B. McKinney Homeless Assistance Act.
 Sec. 207. Amendments to the Human Services Reauthorization Act of 1986.
 Sec. 208. Effective date.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE AMENDMENTS

- Sec. 301. Short title and references.
 Sec. 302. Statement of purpose.
 Sec. 303. Authorization of appropriations.
 Sec. 304. Emergency funds.
 Sec. 305. Authorized uses of funds.
 Sec. 306. Targeting of assistance to households with high home energy burdens.
 Sec. 307. Clarification of audit requirement.
 Sec. 308. Use of Department of Energy weatherization rules to achieve program consistency.
 Sec. 309. Matters to be described in annual application.
 Sec. 310. Report of funds available for obligation.
 Sec. 311. Miscellaneous and technical amendments.
 Sec. 312. Residential energy assistance challenge option (R.E.A.Ch.).
 Sec. 313. Sense of the Congress regarding appropriations for LIHEAP.
 Sec. 314. Effective date.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

- Sec. 401. Short title.

- Sec. 402. Community-based family support and family resource programs.
 Sec. 403. Federal Council on Children, Youth, and Families.
 Sec. 404. Family Resource Act.

TITLE I—HEAD START PROGRAMS

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Head Start Act Amendments of 1994".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Head Start Act (42 U.S.C. 9831 et seq.)

SEC. 102. DEFINITIONS.

Section 637 (42 U.S.C. 9832) is amended—

(1) by striking paragraphs (4) and (5);
 (2) by adding after paragraph (1) the following:

"(12) The term 'family literacy services' means services and activities that include interactive literacy activities between parents and their children, training for parents on techniques for being the primary teacher of their children and full partners in the education of their children, parent literacy training (including training in English as a second language), and early childhood education.

"(13) The term 'Indian tribe' means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

(3) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (13), (5), (6), (4), and (10), respectively; and

(4)(A) by transferring paragraph (4), as so redesignated, and inserting the paragraph after paragraph (3);

(B) by transferring paragraphs (5) and (6), as so redesignated, and inserting the paragraphs after paragraph (4), as so redesignated;

(C) by transferring paragraph (10), as so redesignated, and inserting the paragraph after paragraph (9), as so redesignated;

(D) by inserting after paragraph (10), as so redesignated, the following:

"(11) The term 'local educational agency' has the meaning given such term in the Elementary and Secondary Education Act of 1965.

"(12) The term 'migrant Head Start program' means a Head Start program that serves families who are engaged in agricultural work and who have changed their residence from one geographical location to another in the preceding 2-year period;" and

(E) by adding at the end the following:
 "(14) The term 'State educational agency' has the meaning given such term in the Elementary and Secondary Education Act of 1965."

SEC. 103. SERVICES.

Section 638(a)(1) (42 U.S.C. 9833(a)(1)) is amended by striking "health, nutritional, educational, social, and other services" and inserting "health, education, parental involvement, nutritional, social, and other services".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 639 (42 U.S.C. 9834) is amended—

(1) in subsection (a), by striking all that follows "subchapter" and inserting "such sums as may be necessary for fiscal years 1995, 1996, 1997, and 1998."; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) From the amount appropriated under subsection (a), the Secretary shall make available—

"(1) \$35,000,000 for each of the fiscal years 1995 through 1998 to—

"(A) carry out the Head Start Transition Project Act; and

"(B) carry out activities authorized under section 642(d); and

"(2) not more than \$2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998, to carry out longitudinal research under section 649(e)."

SEC. 105. ALLOCATION OF FUNDS.

(a) ALLOCATION AND USE OF FUNDS FOR QUALITY IMPROVEMENT.—Section 640(a)(3) (42 U.S.C. 9835(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively;

(2) by striking "(3)(C)" and all that follows through "quality improvement activities:" and inserting the following:

"(3)(A)(i) In order to provide assistance for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

"(I) 25 percent of such excess amount; and

"(II) any additional amount the Secretary may find necessary to address a demonstrated need for such activities.

"(ii) As used in clause (i), the term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated pursuant to section 639(a) for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

"(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

"(i) Ensuring that Head Start programs meet or exceed performance standards pursuant to section 641A(a)(1)(A).

"(ii) Ensuring that such programs have adequate qualified staff, and that such staff are furnished adequate training, including developing skills in working with children with non-English language background, when appropriate.

"(iii) Ensuring that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of career development programs, for the staff of Head Start programs.

"(v) Improving community-wide strategic planning and needs assessments for such programs.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, including, where appropriate, services to families with very young children.

"(vii) Making such other improvements in the quality of such programs as the Secretary may designate.

"(C) Quality improvement funds shall be used to carry out any or all of the following activities:";

(3) in subparagraph (C), as redesignated in paragraph (1), by adding at the end the following:

"(vii) Such other activities as the Secretary may designate.";

(4) in subparagraph (D), as redesignated in paragraph (1)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "for the first, second, and third fiscal years for which funds are so reserved"; and

(ii) in subclause (II), by inserting "geographical areas specified in subsection (a)(2)(B) and Indian and migrant Head Start programs," after "States,";

(B) by striking clauses (ii) and (iii);

(C) in clause (iv)—

(i) by striking "To be expended" and all that follows through "reserved, funds" and inserting "Funds";

(ii) by striking "clause (ii)" the first place it appears and inserting "clause (i)";

(iii) by inserting before the period at the end of the first sentence, ", for expenditure for activities specified in subparagraph (C)"; and

(iv) by striking the second sentence;

(D) in clause (vi), by striking "paragraphs (2), (4), and (5)" and inserting "paragraph (2) or (4)"; and

(E) by striking clause (v) and redesignating clauses (iv) and (vi) as clause (ii) and (iii), respectively.

(b) FUNDS SET-ASIDE.—Section 640(a) (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (1), by striking "through (5)." and inserting "through (4), and subject to paragraphs (5) and (6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1990" and inserting "1994"; and

(B) in subparagraph (D), by inserting "(including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs under section 641A(c), and of activities related to the development and implementation of quality improvement plans under section 641A(d)(2))" after "Secretary";

(3) in paragraph (3), by striking "paragraph (5)" each place it appears and inserting "paragraph (4)";

(4) by striking paragraph (4), and redesignating paragraphs (5) and (6) as paragraphs (4) and (7), respectively;

(5) in paragraph (4), as redesignated in paragraph (4), by striking "The" and inserting "Subject to section 639(b), the"; and

(6) by adding after paragraph (4), as redesignated in paragraph (4), the following:

"(5)(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall reserve such sums as may be necessary to award the collaboration grants described in subparagraph (B).

"(B) From the reserved sums, the Secretary may award a collaboration grant to each State to facilitate collaboration between State governments and Head Start programs regarding activities carried out in the State under this subchapter, and other activities carried out in, and by, the State that are designed to benefit low-income children and families.

"(C) A State that receives a grant under subparagraph (B) shall—

"(i) appoint an individual to serve as a State liaison between—

"(I) agencies and individuals carrying out Head Start programs in the State;

"(II) the State educational agency and local educational agencies; and

"(III) other agencies and entities carrying out programs serving low-income children and families;

"(ii) involve the State Head Start Association in the selection of the individual, and involve the association in determinations relating to the ongoing direction of the collaboration;

"(iii) ensure that the individual holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

"(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, education, libraries, and national service activities, and activities relating to children with disabilities.

"(D) As used in this paragraph, the term 'low-income', used with respect to children or families, shall not be considered to refer only to children or families that meet the low-income criteria prescribed pursuant to section 645(a)(1)(A).

"(6) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts equal to 3 percent for fiscal year 1995, 4 percent for each of fiscal years 1996 and 1997, and 5 percent for fiscal year 1998, of the amount appropriated pursuant to section 639(a)."

(c) CONSIDERATIONS FOR ALLOCATION OF FUNDS FOR PROGRAM EXPANSION.—Section 640(g) (42 U.S.C. 9835(g)) is amended—

(1) by striking "(g)" and inserting "(g)(1)"; and

(2) by adding at the end the following:

"(2) For the purpose of expanding Head Start programs, in allocating funds to an applicant within a State, from amounts allotted to a State pursuant to subsection (a)(4), the Secretary shall take into consideration—

"(A) the quality of the applicant's programs (including Head Start and other child care or child development programs) in existence on the date of the allocation, including, in the case of Head Start programs in existence on the date of the allocation, the extent to which such programs meet or exceed performance standards and other requirements under this subchapter;

(B) the applicant's capacity to expand services (including, in the case of Head Start programs in existence on the date of the allocation, whether the applicant accomplished any prior expansions in an effective and timely manner);

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations serving children and families (including organizations serving families in whose homes English is not the language customarily spoken) and involving consultation with the State agency that administers early childhood development and education programs;

"(D) the extent to which the applicant has identified a need to provide full-working-day or full calendar year services based on a family and community needs assessment consistent with the preceding paragraph;

"(E) the numbers of eligible children in each community who are not participating in a Head Start program; and

"(F) the concentration of low-income families in each community.

"(3) In determining the amount of funds reserved pursuant to subparagraph (A) or (B) of subsection (a)(2) to be used for expanding Head Start programs under this subchapter, the Secretary shall take into consideration, to the extent appropriate, the factors specified in paragraph (2)."

(d) TECHNICAL AMENDMENT.—Section 640(h) (42 U.S.C. 9835(h)) is amended by striking "Each Head Start program may" and inserting "Financial assistance provided under this subchapter may be used by each Head Start program to".

(e) COMPENSATION; REGULATIONS; PRIORITY.—Section 640 (42 U.S.C. 9835) is amended by adding at the end the following:

"(j) Any agency that receives financial assistance under this subchapter to improve the compensation of staff who provide services under this subchapter shall use the financial assistance to improve the compensation of such staff, regardless of whether the agency has the ability to improve the compensation of staff employed by the agency who do not provide Head Start services.

"(k) Regulations issued by the Secretary that require a certain number of hours of service to be provided to children in Head Start programs shall include such flexibility as will permit Head Start agencies to satisfy such requirement through one or more of a variety of techniques, including adjustments to the length of a daily session or to the number of days of service.

"(l) With funds made available under section 640(a)(2) to migrant Head Start programs, the Secretary shall give priority to migrant Head Start programs that serve eligible children of migrant families whose work requires them to relocate most frequently."

SEC. 106. REPORT.

Section 640A (42 U.S.C. 9835a) is repealed.

SEC. 107. DESIGNATION.

(a) INDIAN RESERVATIONS.—Section 641(b) (42 U.S.C. 9836(b)) is amended by inserting after "Indian reservation" the following: "(including Indians in any area designated by the Bureau of Indian Affairs as near-reservation)".

(b) DESIGNATION OF AGENCIES.—Section 641(c) (42 U.S.C. 9836(c)) is amended—

(1) by striking paragraphs (2) through (4);

(2) in the first sentence—

(A) by inserting "(subject to paragraph (2))" before "the Secretary shall give priority"; and

(B) by striking "unless" and all that follows through the end of subparagraph (A) and inserting the following: "unless the Secretary makes a finding that the agency involved fails to meet program, financial management, and other requirements established by the Secretary";

(3) by redesignating subparagraph (B) as paragraph (2);

(4) in paragraph (2), as so redesignated—

(A) by striking "except that, if" and inserting "If"; and

(B) by striking "subparagraph (A)" and inserting "paragraph (1)";

(5) by striking "Notwithstanding any other provision of this paragraph" and inserting the following:

"(3) Notwithstanding any other provision of this subsection"; and

(6) by aligning the margins of paragraph (2), as so redesignated, with the margins of paragraph (3).

(c) CONSIDERATIONS IN DESIGNATING NEW HEAD START AGENCIES.—Section 641(d) (42 U.S.C. 9836(d)) is amended—

(1) in the first sentence, by striking all that precedes "then the Secretary" and inserting "If no entity in a community is entitled to the priority specified in subsection (c)";

(2) by striking the second sentence;

(3) in the third sentence—

(A) in the matter preceding paragraph (1), by striking "and subject to the preceding sentence";

(B) in paragraph (3), by inserting "including Even Start programs," after "preschool programs"; and

(C) in paragraph (4), to read as follows: "(4) the plan of such applicant—

"(A) to seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children;

"(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(C) to offer (directly or through referral to local entities, such as public and school libraries and entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)) to such parents—

"(i) family literacy services; and

"(ii) parenting skills training;

"(D) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(i) parental social self-sufficiency training;

"(ii) substance abuse counseling;

"(iii) training in nonpunitive discipline techniques that are age appropriate, consistent, and positive for the child;

"(iv) training in basic child development;

"(v) assistance in developing communication skills;

"(vi) opportunities for parents to share experiences with other parents, or

"(vii) any other activity designed to help such parents understand the importance of their involvement in the education of their children and to help such parents become full partners in the education of their children; and

"(E) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) and (D) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities);";

(4) in paragraph (7)—

(A) by striking "non-English language children" and inserting "non-English language background children and their families"; and

(B) by inserting "and" after the semicolon;

(5) by striking paragraph (8); and

(6) by redesignating paragraph (9) as paragraph (8).

(d) CONFORMING AMENDMENT.—Section 641 (42 U.S.C. 9836) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 108. MONITORING AND QUALITY ASSURANCE.

The Act is amended by inserting after section 641 (42 U.S.C. 9836) the following:

"SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

"(a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish by regulation standards applicable to Head Start agencies, program, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, education, parental involvement, nutritional, social, transition-to-elementary-school, and other services;

"(B) administrative and financial management standards, including standards that ad-

dress recordkeeping and file maintenance practices;

"(C) standards relating to the condition and location of facilities for such agencies, programs, and projects;

"(D) standards for the provision of services to families with very young children; and

"(E) such other standards as the Secretary finds to be appropriate.

"(2) MINIMUM REQUIREMENTS.—The regulations promulgated under this subsection shall establish the minimum levels of overall accomplishment that a Head Start agency shall achieve in order to meet the standards specified in paragraph (1).

"(3) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the regulations required under paragraph (1), the Secretary shall—

"(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically, culturally, and developmentally appropriate services to non-English language background children and their families), administration and financial management, and with persons with experience in the operation of Head Start programs;

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on the date of enactment of this section;

"(ii) changes over the period since the date of enactment of this subchapter in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) developments concerning best practices with respect to child development, children with disabilities, family services, program administration, and financial management;

"(iv) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

"(v) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children; and

"(vi) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to public schools; and

"(C) (i) not later than 1 year after the date of enactment of this section, review and revise as necessary the performance standards in effect under section 651(b) on the day before the date of enactment of this section; and

"(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.

"(4) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to an agency (referred to in this subchapter as the 'delegate agency') to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

“(b) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of child development, family services, and program management, shall develop methods and procedures for measuring, annually and over longer periods, the quality and effectiveness of programs operated by Head Start agencies (referred to in this subchapter as ‘performance measures’).

“(2) DESIGN OF MEASURES.—The performance measures developed under this subsection shall be designed—

“(A) to assess the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

“(B) to be adaptable for use in self-assessment and peer review of individual Head Start agencies and programs; and

“(C) for other program purposes as determined by the Secretary.

“(3) USE OF MEASURES.—The Secretary shall use the performance measures developed pursuant to this subsection—

“(A) to identify strengths and weaknesses in the operation of Head Start programs nationally and by region; and

“(B) to identify problem areas that may require additional training and technical assistance resources.

“(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

“(1) IN GENERAL.—In order to determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements, the Secretary shall conduct the following reviews of designated Head Start agencies, and of the Head Start programs operated by such agencies:

“(A) A full review of each such agency at least once during each 3-year period.

“(B) A review of each newly designated agency immediately after the completion of the first year such agency carries out a Head Start program.

“(C) Followup reviews including prompt return visits to agencies and programs that fail to meet the standards.

“(D) Other reviews as appropriate.

“(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

“(A) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs and the diverse (including linguistic and cultural) needs of eligible children and their families; and

“(B) are supervised by such an employee at the site of such Head Start agency.

“(d) CORRECTIVE ACTION; TERMINATION.—

“(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (b), the Secretary shall—

“(A) inform the agency of the deficiencies that shall be corrected;

“(B) with respect to each identified deficiency, require the agency—

“(i) to correct the deficiency immediately; or

“(ii) at the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply

with the requirements of paragraph (2) concerning a quality improvement plan; and

“(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

“(2) QUALITY IMPROVEMENT PLAN.—

“(A) AGENCY RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) (other than an agency able to correct a deficiency immediately) shall—

“(i) develop in a timely manner, obtain the approval of the Secretary regarding, and implement a quality improvement plan that specifies—

“(I) the deficiencies to be corrected;

“(II) the actions to be taken to correct such deficiencies; and

“(III) the timetable for accomplishment of the corrective actions specified; and

“(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency received notice of the determination and of the specific deficiency to be corrected).

“(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

“(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

“(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 90 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year.”

SEC. 109. ENHANCED PARENT INVOLVEMENT AND TRANSITION COORDINATION WITH SCHOOLS.

Section 642 (42 U.S.C. 9837) is amended—

(1) by amending subsection (b) to read as follows:

“(b) In order to be so designated, a Head Start agency shall also—

“(1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

“(2) provide for their regular participation in the implementation of such programs;

“(3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

“(4) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

“(5) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

“(6) at the option of such agency, offer (directly or through referral to local entities), to such parents, parental social self-sufficiency training, substance abuse counseling, training in nonpunitive discipline techniques that are age appropriate, consistent, and positive for the child, training in basic child development, assistance in developing communication skills, opportunities for parents to share experiences with other parents, regular in-home visitation for families at risk of child abuse and neglect, or any other activity designed to help such parents become full partners in the education of their children;

“(7) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (6) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

“(8) establish procedures to seek reimbursement, to the extent feasible, from other agencies for services for which any such other agency is responsible, which are provided to a Head Start participant by the Head Start agency;

“(9) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources; and

“(10) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in it Head Start program as volunteers.”;

(2) in subsection (c)—

(A) by striking “schools that will subsequently serve children in Head Start programs.”; and

(B) by inserting “, including Even Start programs.” after “other programs”; and

(3) by adding after subsection (c) the following:

“(d)(1) Each Head Start agency shall carry out the actions specified in this subsection, to the extent feasible and appropriate in the circumstances (including the extent to which such agency is able to secure the cooperation of parents and schools) to enable children to maintain the developmental gains achieved in Head Start programs and to build upon such gains in further schooling.

“(2) The Head Start agency shall take steps to coordinate with the local educational agency (as defined in the elementary and Secondary Education Act of 1965) serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

“(A) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

“(B) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

“(C) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the developmental and other needs of individual children;

“(D) organizing and participating in joint transition-related training of school staff, Head Start staff, and parents;

"(E) providing transportation and using facilities; and

"(F) on the request of the local educational agency, providing noneducational services to such children.

"(3) In order to promote the continued involvement of parents of children who participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall—

"(A) provide training to such parents—

"(i) to inform such parents about their rights and responsibilities concerning the education of their children; and

"(ii) to enable such parents to understand and work with schools in order to communicate with teachers and other school personnel, to support the school work of their children, and to participate as appropriate in decisions relating to the education of their children; and

"(B) take other actions, as appropriate and feasible, to support the active involvement of such parents with schools, school personnel, and school-related organizations.

"(4) The Secretary, in cooperation with the Secretary of Education, shall—

"(A) evaluate the effectiveness of the projects and activities funded under the Head Start Transition Project Act (42 U.S.C. 9855 et seq.);

"(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

"(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities."

SEC. 110. FACILITIES AND ADMINISTRATIVE REQUIREMENTS.

Section 644 (42 U.S.C. 9839) is amended—

(1) in subsection (d), by striking "guidelines, instruction,";

(2) in subsection (f)—

(A) in paragraph (2), by striking "640(a)(3)(A)(v)" and inserting "640(a)(3)(C)(v)"; and

(B) by adding at the end the following:

"(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility."; and

(3) by adding at the end the following:

"(g) In all personnel actions of the American Indian Programs Branch of the Head Start Bureau of the Administration for Children and Families, the Secretary shall give the same preference to individuals who are members of an Indian tribe as the Secretary gives to a preference eligible, as described in section 2108(3)(C) of title 5 of the United States Code. The Secretary shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration."

SEC. 111. PARTICIPATION.

Section 645 (42 U.S.C. 9840) is amended by adding at the end the following:

"(d)(1) An Indian tribe that—

"(A) operates a Head Start program;

"(B) enrolls as participants in the program all children in the community served by the

tribe (including a community with a near-reservation designation, as defined by the Bureau of Indian Affairs) from families that meet the low-income criteria prescribed under subsection (a)(1)(A); and

"(C) has the resources to enroll additional children in the community who do not meet the low-income criteria;

may enroll such additional children in a Head Start program, in accordance with this subsection, if the program predominantly serves children who meet the low-income criteria.

"(2) The Indian tribe shall enroll the children in the Head Start program in accordance with such requirements as the Secretary may specify by regulation promulgated after consultation with Indian tribes.

"(3) In providing services through a Head Start program to such children, the Indian tribe may not use funds that the Secretary has determined, in accordance with section 640(g)(3), are to be used for expanding Head Start programs under this subchapter."

SEC. 112. INITIATIVE ON FAMILIES WITH INFANTS AND TODDLERS

(a) ESTABLISHMENT.—The Act is amended by adding after section 645 (42 U.S.C. 9840) the following:

"SEC. 645A. PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

"(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section for—

"(1) programs providing family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency; and

"(2) provision of training and technical assistance to entities carrying out programs, and evaluation of programs, that were supported under the Comprehensive Child Development Act (42 U.S.C. 9881 et seq.), as in effect on the day before the date of enactment of this section.

"(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

"(2) ensure that the level of services provided to families responds to their needs and circumstances;

"(3) promote positive parent-child interactions;

"(4) provide services to parents to support their role as parents and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services provided by programs in the State and programs in the community (including transition-to-school programs and linkages with programs of other agencies, including local educational agencies serving families with infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services);

"(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

"(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the

program receive such services through such age; and

"(8) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

"(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a)(1) include—

"(1) pregnant women; and

"(2) families with children under age 3 (or under age 5, in the case of children served by an entity specified in subsection (e)(3));

who meet the income criteria specified for families in section 645(a)(1).

"(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

"(1) entities operating Head Start programs under this subchapter;

"(2) entities that, on the day before the date of enactment of this section, were operating—

"(A) Parent-Child Centers receiving financial assistance under section 640(a)(4), as in effect on such date; or

"(B) programs receiving financial assistance under the Comprehensive Child Development Act, as in effect on such date; and

"(3) other public entities, and nonprofit private entities, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

"(e) TIME-LIMITED PRIORITY FOR CERTAIN ENTITIES.—

"(1) IN GENERAL.—From amounts allotted pursuant to paragraphs (2) and (4) of section 640(a), the Secretary shall provide financial assistance in accordance with paragraphs (2) through (4).

"(2) PARENT-CHILD CENTERS.—The Secretary shall make financial assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that—

"(A) complies with subsection (b); and

"(B) received funding as a Parent-Child Center pursuant to section 640(a)(4), as in effect on the day before the date of enactment of this section, for fiscal year 1994.

"(3) COMPREHENSIVE CHILD DEVELOPMENT CENTERS.—

"(A) In the case of an entity that received a grant for fiscal year 1994 to operate a project under the Comprehensive Child Development Act, the Secretary—

"(i) shall make financial assistance available under this section, in a comparable amount and scope to the assistance provided for fiscal year 1994, for the duration of the project period specified in the grant award to such entity under such Act; and

"(ii) shall permit such entity, in carrying out activities assisted under this section, to serve children from birth through age 5.

"(B) In the case of an entity that received a grant for fiscal year 1989 to operate a project under the Comprehensive Child Development Act, the Secretary shall make assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that complies with subsection (b).

"(4) EVALUATIONS, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall make financial assistance available under this section as necessary to provide for the evaluation of, and furnishing of training and tech-

nical assistance to, programs specified in paragraph (3)(A).

"(f) SELECTION OF OTHER GRANT RECIPIENTS.—From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

"(g) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

"(1) ensure an equitable national geographic distribution of the grants; and

"(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

"(h) SECRETARIAL RESPONSIBILITIES.—

"(1) GUIDELINES.—Not later than September 30, 1994, the Secretary shall develop program guidelines concerning the content and operation of programs assisted under this section—

"(A) in consultation with experts in early childhood development, experts in health, and experts in family services; and

"(B) taking into consideration the knowledge and experience gained from other early childhood programs, including programs under the Comprehensive Child Development Act, and from migrant Head Start programs that serve a large number of infants and toddlers.

"(2) STANDARDS.—Not later than December 30, 1994, the Secretary shall develop and publish performance standards for programs assisted under this section, and a grant announcement based on the guidelines developed under paragraph (1).

"(3) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the balance described in subsection (f) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs."

(b) CONSOLIDATION.—(1) in recognition that the Comprehensive Child Development Centers Act has demonstrated positive results, and that its purposes and functions have been consolidated into section 645A of the Head Start Act, the Comprehensive Child Development Centers Act of 1988 (42 U.S.C. 9801 note) and the Comprehensive Child Development Act (42 U.S.C. 9881-9887) are repealed by paragraph (2).

(2)(A) Part E of title II of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Amendments of 1988 (Public Law 100-297; 102 Stat. 325) is repealed.

(B) Subchapter F of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 42 U.S.C. 9801 note, et seq.) is repealed.

(c) **CONFORMING AMENDMENT.**—Section 638 of the Head Start Act (42 U.S.C. 9833) is amended—

(1) in subsection (a) by striking "(a)"; and

(2) by striking subsection (b).

SEC. 113. APPEALS, NOTICE, AND HEARING.

(a) **MEDIATION AND HEARING FOR DISPUTES WITH DELEGATE AGENCIES.**—Section 646(a) (42 U.S.C. 9841(a)) is amended—

(1) at the end of paragraph (2), by striking "and";

(2) at the end of paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the Secretary shall develop and publish procedures (including mediation procedures) to be used in order to—

"(A) resolve in a timely manner conflicts potentially leading to adverse action between—

"(i) recipients of financial assistance under this subchapter; and

"(ii) delegate agencies or Head Start Parent Policy Councils; and

"(B) avoid the need for an administrative hearing."

(b) **TERMINATION OF DESIGNATION NOT STAYED PENDING APPEAL.**—Section 646 (42 U.S.C. 9841) is amended by striking subsection (b) and inserting the following:

"(b) In prescribing procedures for the mediation described in subsection (a)(4), the Secretary shall specify—

"(1) the date by which a Head Start agency engaged in a conflict described in subsection (a)(4) will notify the appropriate regional office of the Department of the conflict;

"(2) a reasonable period for the mediation;

"(3) a timeline for an administrative hearing, if necessary, to resolve the conflict; and

"(4) a timeline by which the person conducting the administrative hearing shall issue a decision based on the hearing.

"(c) In any case in which a termination, reduction, or suspension of financial assistance under this subchapter is upheld in an administrative hearing under this section, such termination, reduction, or suspension shall not be stayed pending any judicial appeal of such administrative decision.

"(d)(1) The Secretary shall by regulation specify a process by which an Indian tribe may identify and establish an alternative agency, and request that the alternative agency be designated under section 641 as the Head Start agency providing services to the tribe, if—

"(A) the Secretary terminates financial assistance under section 646 to the only agency that was receiving financial assistance to provide Head Start services to the Indian tribe; and

"(B) the tribe would otherwise be precluded from providing such services to the members of the tribe.

"(2) The regulation required by this subsection shall prohibit such designation of an alternative agency that includes an employee who—

"(A) served on the administrative staff or program staff of the agency described in paragraph (1)(A); and

"(B) was responsible for a deficiency that—

"(i) relates to the performance standards or financial management standards described in section 641A9a(1); and

"(ii) was the basis for the termination of financial assistance described in paragraph (1)(A);

as determined by the Secretary after providing the notice and opportunity described in subsection (a)(3)."

SEC. 114. GOALS AND PRIORITIES FOR TRAINING AND TECHNICAL ASSISTANCE.

Section 648 (42 U.S.C. 9843) is amended—

(1) in the section heading to read as follows: "TECHNICAL ASSISTANCE AND TRAINING";

(2) in subsection (a)(2), by striking "Head Start programs, including" and inserting "Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c). The Secretary shall provide, either directly or through grants or other arrangements;"

(3)(A) by redesignating the final sentence of subsection (a), as amended by paragraph (2), as subsection (e);

(B) by transferring such subsection to the end of the section; and

(C) by indenting such subsection and aligning the margins of such subsection with the margins of subsection (d);

(4) by striking subsections (b) and (c);

(5) by inserting after subsection (a) the following:

"(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs.

"(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(1) give priority consideration to activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2));

"(2) address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities) and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

"(3) assist Head Start agencies and programs in conducting and participating in communitywide strategic planning and needs assessment;

"(4) assist Head Start agencies and programs in developing full-working-day and full-calendar-year programs and making the transition to such programs, with particular attention to involving parents and programming for children throughout a longer day;

"(5) assist Head Start agencies in better serving the needs of families with very young children;

"(6) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures; and

"(7) assist in efforts to secure and maintain adequate facilities for Head Start programs;"

(6) in subsection (d), by adding at the end the following:

"Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities."

SEC. 115. STAFF QUALIFICATIONS AND DEVELOPMENT.

The Head Start Act is amended by inserting after section 648 (42 U.S.C. 9843) the following:

"SEC. 648A. STAFF QUALIFICATIONS AND DEVELOPMENT.

"(a) CLASSROOM TEACHERS.—

"(1) **DEGREE REQUIREMENTS.**—The Secretary shall ensure that not later than September 30, 1996, each Head Start classroom in a center-based program is assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of

the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential;

"(C) an associate, a baccalaureate, or an advanced degree in early childhood education; or

"(D) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(2) WAIVER.—On request, the Secretary shall grant a 180-day waiver of the requirements of paragraph (1) with respect to an individual who—

"(A) is first employed after September 30, 1996, by a Head Start agency as a teacher for a Head Start classroom;

"(B) is enrolled in a program that grants any credential, certificate, or degree specified in subparagraph (A), (B), (C), or (D) of paragraph (1); and

"(C) will receive such credential under the terms of such program not later than 180 days after beginning employment as a teacher with such agency.

"(3) LIMITATION.—The Secretary may not grant more than one such waiver with respect to such individual.

"(b) MENTOR TEACHERS.—

"(1) DEFINITION; FUNCTION.—For purposes of this subsection, the term 'mentor teacher' means an individual responsible for observing and assessing the classroom activities of a Head Start program and providing on-the-job guidance and training to the Head Start program staff and volunteers, in order to improve the qualifications and training of classroom staff, to maintain high quality education services, and to promote career development, in Head Start programs.

"(2) REQUIREMENT.—In order to assist Head Start agencies in establishing positions for mentor teachers, the Secretary shall—

"(A) provide technical assistance and training to enable Head Start agencies to establish such positions;

"(B) give priority consideration, in providing assistance pursuant to subparagraph (A), to Head Start programs that have substantial numbers of new classroom staff, that are experiencing difficulty in meeting applicable education standards, or that lack staff able to communicate in the languages of participating children and their families;

"(C) encourage Head Start programs to give priority consideration for such positions to Head Start teachers at the appropriate level of career advancement in such programs; and

"(D) promote the development of model curricula, designed to ensure the attainment of appropriate competencies by individuals working, or planning to work, in the field of early childhood development and family services.

"(c) FAMILY SERVICE WORKERS.—In order to improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

"(2) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

"(3) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.

"(d) HEAD START FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary may establish a program of fellowships, to be known as 'Head Start Fellowship', in accordance with this subsection. The Secretary may award the fellowships to individuals, to be known as 'Head Start Fellows', who are staff in local Head Start programs or other individuals working in the field of child development and family services.

"(2) PURPOSE.—The fellowship program established under this subsection shall be designed to enhance the ability of Head Start Fellows to make significant contributions to programs authorized under this subchapter, by providing opportunities to expand their knowledge and experience through exposure to activities, issues, resources, and new approaches, in the field of child development and family services.

"(3) ASSIGNMENTS OF FELLOWS.—

"(A) PLACEMENT SITES.—Fellowship positions under the fellowship program may be located (subject to subparagraphs (B) and (C))—

"(i) in agencies of the Department of Health and Human Services administering programs authorized under this subchapter (in national or regional offices of such agencies);

"(ii) in local Head Start agencies and programs;

"(iii) in institutions of higher education;

"(iv) in public or private entities and organizations concerned with services to children and families; and

"(v) in other appropriate settings.

"(B) LIMITATION FOR FELLOWS OTHER THAN HEAD START EMPLOYEES.—A Head Start Fellow who is not an employee of a local Head Start agency or program may be placed only in a fellowship position located in an agency or program specified in clause (i) or (ii) of subparagraph (A).

"(C) NO PLACEMENT IN LOBBYING ORGANIZATIONS.—Head Start Fellowship positions may not be located in any agency whose primary purpose, or one of whose major purposes, is to influence Federal, State, or local legislation.

"(4) SELECTION OF FELLOWS.—Head Start Fellowships shall be awarded on a competitive basis to individuals (other than Federal employees) selected from among applicants who are working, on the date of application, in local Head Start programs or otherwise working in the field of child development and children and family services.

"(5) DURATION.—Head Start Fellowships shall be for terms of 1 year, and may be renewed for a term of 1 additional year.

"(6) AUTHORIZED EXPENDITURES.—From amounts appropriated under this subchapter and allotted under section 640(a)(2)(D), the Secretary is authorized to make expenditures of not to exceed \$1,000,000 for any fiscal year, for stipends and other reasonable expenses of the fellowship program.

"(7) STATUS OF FELLOWS.—Except as otherwise provided in this paragraph, Head Start Fellows shall not be considered to be employees or otherwise in the service or employment of the Federal Government. Head

Start Fellows shall be considered to be employees for purposes of compensation for injuries under chapter 81 of title 5, United States Code. Head Start Fellows assigned to positions located in agencies specified in paragraph (3)(A)(i) shall be considered employees in the executive branch of the Federal Government for the purposes of chapter 11 of title 18, United States Code, and for purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

"(8) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

"(e) MODEL STAFFING PLANS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with appropriate public agencies, private agencies, and organizations and with individuals with expertise in the field of children and family services (including services to non-English language background children and their families), shall develop model staffing plans to provide guidance to local Head Start agencies and programs on the numbers, types, responsibilities, and qualifications of staff required to operate a Head Start program."

SEC. 116. RESEARCH, DEMONSTRATIONS, EVALUATION.

Section 649 (42 U.S.C. 9844) is amended to read as follows:

"SEC. 649. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

"(a) IN GENERAL.—

"(1) REQUIREMENT; GENERAL PURPOSES.—The Secretary shall carry out a continuing program of research, demonstration, and evaluation activities, in order to—

"(A) foster continuous improvement in the quality of the Head Start programs under this subchapter and in their effectiveness in enabling participating children and their families to succeed in school and otherwise; and

"(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities) and their families and communities, and otherwise to further the purposes of this subchapter.

"(2) PLAN.—The Secretary shall develop, and periodically update, a plan governing the research, demonstration, and evaluation activities under this section.

"(b) CONDUCT OF RESEARCH, DEMONSTRATION, AND EVALUATION ACTIVITIES.—The Secretary, in order to conduct research, demonstration, and evaluation activities under this section—

"(1) may carry out such activities directly, or through grants to, or contracts or cooperative agreements with, public or private entities;

"(2) shall, to the extent appropriate, undertake such activities in collaboration with other Federal agencies, and with non-Federal agencies, conducting similar activities;

"(3) shall ensure that evaluation of activities in a specific program or project is conducted by persons not directly involved in the operation of such program or project;

"(4) may require Head Start agencies to provide for independent evaluations;

"(5) may approve, in appropriate cases, community-based cooperative research and evaluation efforts to enable Head Start programs to collaborate with qualified researchers not directly involved in program administration or operation; and

"(6) may collaborate with organizations with expertise in inclusive educational strategies for preschoolers with disabilities.

"(c) CONSULTATION AND COLLABORATION.—In carrying out activities under this section, the Secretary shall—

"(1) consult with—

"(A) individuals from relevant academic disciplines;

"(B) individuals who are involved in the operation of Head Start programs and individuals who are involved in the operation of other child and family service programs; and

"(C) individuals from other Federal agencies, and individuals from organizations, involved with children and families, ensuring that the individuals described in this subparagraph reflect the multicultural nature of the children and families served by the Head Start programs and the multidisciplinary nature of the Head Start programs;

"(2) whenever feasible and appropriate, obtain the views of persons participating in and served by programs and projects assisted under this subchapter with respect to activities under this section; and

"(3) establish, to the extent appropriate, working relationships with the faculties of institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), located in the area in which any evaluation under this section is being conducted, unless there is no such institution of higher education willing and able to participate in such evaluation.

"(d) SPECIFIC OBJECTIVES.—The research, demonstration, and evaluation activities under this subchapter shall include components designed to—

"(1) permit ongoing assessment of the quality and effectiveness of the programs under this subchapter;

"(2) contribute to developing knowledge concerning factors associated with the quality and effectiveness of Head Start programs and in identifying ways in which services provided under this subchapter may be improved;

"(3) assist in developing knowledge concerning the factors that promote or inhibit healthy development and effective functioning of children and their families both during and following participation in a Head Start program;

"(4) permit comparisons of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, or child development services and with other appropriate control groups;

"(5) contribute to understanding the characteristics and needs of population groups eligible for services provided under this subchapter and the impact of such services on the individuals served and the communities in which such services are provided;

"(6) provide for disseminating and promoting the use of the findings from such research, demonstration, and evaluation activities; and

"(7) promote exploration of areas in which knowledge is insufficient, and that will otherwise contribute to fulfilling the purposes of this subchapter.

"(e) LONGITUDINAL STUDIES.—In developing priorities for research, demonstration, and evaluation activities under this section, the Secretary shall give special consideration to longitudinal studies that—

"(1) examine the developmental progress of children and their families both during and following participation in a Head Start program, including the examination of factors that contribute to or detract from such progress;

"(2) examine factors related to improving the quality of the Head Start programs and

the preparation the programs provide for children and their families to function effectively in schools and other settings in the years following participation in such a program; and

"(3) as appropriate, permit comparison of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, or child development services, and with other appropriate control groups.

"(f) OWNERSHIP OF RESULTS.—The Secretary shall take necessary steps to ensure that all studies, reports, proposals, and data produced or developed with Federal funds under this subchapter shall become the property of the United States."

SEC. 117. ANNOUNCEMENTS AND EVALUATIONS.

Section 650 (42 U.S.C. 9845) is repealed.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 651 (42 U.S.C. 9846) is amended—

(1) by striking the section heading and all that follows through subsection (f) and inserting:

"SEC. 651. REPORTS."

(2) by striking "(g)";

(3) in paragraph (10), by striking "evaluations conducted under section 641(c)(2)" and inserting "monitoring conducted under section 641A(c)"; and

(4)(A) by striking "and" at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(C) by adding after paragraph (12) the following:

"(13) a summary of information concerning the research, demonstration, and evaluation activities conducted under section 649, including—

"(A) a status report on ongoing activities; and

"(B) results, conclusions, and recommendations, not included in any previous report, based on completed activities; and

"(14) a study of the availability and delivery of Head Start programs to Indian children living on and near Indian reservations and to children of migrant and seasonal farmworkers, including estimates of the percentages of such children being served by Head Start programs."

(b) REDESIGNATION.—Section 651 is redesignated as section 650.

SEC. 119. REPEALS.

Sections 651A and 652 (42 U.S.C. 9846a and 9847) are repealed.

SEC. 120. CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

The Act is amended by adding at the end the following:

"SEC. 657A. CONSULTATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"The Secretary shall consult with the Chief Executive Officer of the Corporation for National and Community Service regarding the dissemination of information about the Corporation's programs, to programs that receive funds under this subchapter."

SEC. 121. STUDY OF BENEFITS FOR HEAD START EMPLOYEES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study regarding the benefits available to individuals employed by Head Start agencies under the Head Start Act (42 U.S.C. 9831 et seq.).

(b) REPORT.—

(1) PREPARATION.—The Secretary shall prepare a report, containing the results of the study, that—

(A) describes the benefits, including health care benefits, family and medical leave, and retirement pension benefits, available to such individuals; and

(B) includes recommendations for increasing the access of the individuals to benefits, including access to a retirement pension program.

(2) SUBMISSION.—The Secretary shall submit the report to the appropriate committees of Congress.

SEC. 122. STUDY OF FULL-DAY AND FULL-YEAR HEAD START PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study of the extent to which Head Start programs are addressing the need for child care services during a full working day or full calendar year among eligible low-income families with preschool children.

(b) REPORT.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than January 1996, containing the results of the study that—

(1) describes the number of full-day, full-year Head Start programs and the number of children served in such program or provided full-day or full-year services through arrangements with other service providers;

(2) compares the number of children in full-day or full-year Head Start programs with the need for full-day or full-year care among such families;

(3) identifies the barriers to meeting the need for full-day, full-year care among such families;

(4) describes promising models currently employed by Head Start programs for meeting such needs both directly and through arrangements with other service providers; and

(5) makes recommendations on how the child care needs of families with children enrolled in Head Start programs may be addressed.

SEC. 123. STATE DEPENDENT CARE DEVELOPMENT PROGRAMS.

Section 670A of the State Dependent Care Development Grants Act (42 U.S.C. 9871) is amended by striking "are authorized to be appropriated" and all that follows and inserting "is authorized to be appropriated \$13,000,000 for fiscal year 1995."

SEC. 124. REAUTHORIZATION OF CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.

Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10905) is amended by striking "\$1,500,000" and all that follows and inserting "to carry out this title such sums as may be necessary for fiscal year 1995."

SEC. 125. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEAD START TRANSITION PROJECT ACT.—Section 133(a) of the Head Start Transition Project Act is amended by striking "639(c)" and inserting "639(b)".

(b) SOCIAL SECURITY ACT.—Section 1924(d)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r-5(d)(3)(A)(i)) is amended by striking "sections 652 and 673(2)" and inserting "section 673(2)".

SEC. 126. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title, and the amendments made by this title, shall take effect on the date of enactment of this title.

(b) APPLICATION.—The requirements of this title and the amendments made by this title shall not apply to Head Start agencies and other recipients of financial assistance under

the Head Start Act with respect to fiscal years ending before October 1, 1994.

TITLE II—COMMUNITY SERVICES BLOCK GRANT AMENDMENTS

SEC. 201. SHORT TITLE AND REFERENCES.

(a) **SHORT TITLE.**—This title may be cited as the "Community Services Block Grant Amendments of 1994".

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATION.**—Subsection (b) of section 672 (42 U.S.C. 9901(b)) is amended to read as follows:

"(b) There are authorized to be appropriated \$525,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out this subtitle."

(b) **STATE ALLOCATIONS.**—Section 674 (42 U.S.C. 9903) is amended—

(1) by redesignating subsections (a), (b) and (c) as subsections (b), (c) and (d), respectively; and

(2) by inserting before subsection (b) (as so redesignated), the following:

"(a)(1) Of the amounts appropriated for a fiscal year pursuant to section 672(b), the Secretary may reserve not less than one-half of 1 percent and not more than 1 percent for training, technical assistance, planning, and evaluation activities related to programs or projects carried out under this subtitle. Such activities may be carried out by the Secretary directly or through grants, contracts, or cooperative agreements.

"(2) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(A) ensure the needs of eligible entities relating to the improving program quality are addressed to the maximum extent feasible; and

"(B) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the community action State and national network as well as community development corporation national and State organizations.

"(3) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(A) assist eligible entities in the development of sound management practices, including financial management practices; and

"(B) consistent with the availability of funds, respond to the training requests and concerns of community development corporations, community action agencies and programs."

(c) **APPLICATIONS AND REQUIREMENTS.**—

(1) **FORM AND ASSURANCES.**—Section 675(a) (42 U.S.C. 9904(a)) is amended by inserting "or significant amendments thereof" before "shall contain assurances".

(2) **USE OF FUNDS.**—Section 675(c)(1) (42 U.S.C. 9904(c)(1)) is amended by striking "use the funds available under this subtitle" and inserting "ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this subtitle will use such funds".

(3) **ASSURED ACTIVITIES.**—Section 675(c)(1)(B) (42 U.S.C. 9904(c)(1)(B)) is amended by inserting "homeless individuals and families, migrants, and" before "the elderly poor".

(4) **STATE RESPONSIBILITIES.**—Section 675(c)(2)(B) (42 U.S.C. 9904(c)(2)(B)) is amended to read as follows:

"(B) if less than 100 percent of the allotment is expended under subparagraph (A), provide assurances that with respect to the remainder of the allotment a reasonable amount shall be used for—

"(i) providing training and technical assistance to those entities in need of such assistance and such activities will not be considered administrative expenses;

"(ii) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this subtitle, including outposting where appropriate State or local public employees into entities funded under this subtitle to ensure increased access to services provided by such State or local agencies;

"(iii) supporting statewide coordination and communication among eligible entities;

"(iv) administrative expenses at the State level, including monitoring activities, but not more than the greater of \$55,000 or 5 percent of allotment under section 674; and

"(v) considering the distribution of funds under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need."

(5) **TRIPARTITE BOARD.**—Section 675(c)(3) (42 U.S.C. 9904(c)(3)) is amended—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (iii), respectively;

(B) by striking the comma after "provide assurances that" and inserting "(A)"; and

(C) by adding at the end the following:

"and

"(B) in the case of public organization receiving funds under this subtitle, such organization either establish—

"(i) a board of which at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; or

"(ii) another mechanism specified by the State to assure low-income citizen participation in the planning, administration, and evaluation of projects for which such organization has been funded;"

(d) **COMMUNITY ACTION AGENCY PLAN.**—Section 675(c) (42 U.S.C. 9904(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iii) of subparagraph (A) as items (i) through (iii), respectively;

(B) by realigning the margin of the sentence beginning with "For purposes of" so as to align with paragraph (A) of paragraph (1);

(C) by striking "For purposes of" and inserting "(A) For purposes of";

(D) by striking "(A) a statewide" and inserting "(i) a statewide";

(E) by striking "(B) the failure" and inserting "(ii) the failure";

(F) by inserting immediately before paragraph (12) the following:

"(B) for purposes of making a determination with respect to a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of its agreement and community action plan to provide services under this subtitle;"

(2) in paragraph (12) by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (12) the following:

"(13) secure from each eligible entity as a condition to its receipt of funding under this subtitle a community action plan (which shall be available to the Secretary for inspection) that includes—

"(A) a community needs assessment (including food needs);

"(B) a description of the service delivery system targeted to low-income individuals and families in the service area;

"(C) a description of how linkages will be developed to fill identified gaps in services through information, referral, case management, and followup consultations;

"(D) a description of how funding under this Act will be coordinated with other public and private resources; and

"(E) a description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability, and community revitalization; and

"(14) provide assurances that cost and accounting standards of the Office of Management and Budget shall apply to a recipient of funds under this subtitle."

(e) **PUBLIC INSPECTIONS OF PLANS.**—Section 675(d)(2) (42 U.S.C. 9904(d)(2)) is amended by inserting "or revision" after "Each plan".

(f) **AUDITS.**—The last sentence of section 675(f) (42 U.S.C. 9904(f)) is amended by inserting before "to the legislature" the following:

"to the eligible entity at no charge."

(g) **EVALUATION INVOLVING WAIVERS.**—Section 675(h) (42 U.S.C. 9904(h)) is amended by inserting "(including any State that received a waiver under Public Law 98-139)" after "States" the last place it appears.

SEC. 203. DISCRETIONARY AUTHORITY OF SECRETARY.

(a) **TRAINING AND ACTIVITIES.**—Section 681(a) (42 U.S.C. 9910(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "to provide for—" and all that follows through "(2)" and inserting "to provide for"; and

(2) by striking "special emphasis programs for—" and all that follows through paragraph (3), and inserting the following:

"a Community Initiative Program, awarded on a competitive basis, to fund private, non-profit community development corporations for purposes of planning and carrying out community and economic development activities in economically distressed areas and in rural areas, as described in subsection (c)."

(b) **COMMUNITY INITIATIVE PROGRAM.**—Subsection (b) of section 681 (42 U.S.C. 9910) is amended to read as follows:

"(b) **COMMUNITY INITIATIVE PROGRAM.**—

"(1) **IN GENERAL.**—

"(A) **ECONOMIC DEVELOPMENT ACTIVITIES.**—Economic development activities under this section shall be designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) **CONSULTATION.**—The Secretary shall exercise the authority provided under subparagraph (A) in consultation with other relevant Federal officials.

"(C) **GOVERNING BOARDS.**—Each community development corporation receiving funds under this section shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing or managing community development projects.

"(D) **GEOGRAPHIC DISTRIBUTION.**—In providing assistance or entering into other arrangements under this section, the Secretary shall take into consideration the geographic distribution of funds among States and the relative proportion of funding among rural and urban areas.

"(2) **RURAL COMMUNITY DEVELOPMENT ACTIVITIES.**—Rural community development activities under this section shall include—

"(A) grants to private, nonprofit corporations that provide assistance to rural low-income families in home repair and in planning and developing low-income rural rental housing units;

"(B) grants to multistate, regional private, nonprofit organizations that provide training and technical assistance to small, rural communities in meeting their community facility needs; and

"(C) grants to nonprofit private organizations that provide assistance for migrants and seasonal farmworkers."

SEC. 204. COMMUNITY FOOD AND NUTRITION.

Subsection (d) of section 681A (42 U.S.C. 9910a(d)) is amended to read as follows:

"(d) There are authorized to be appropriated \$25,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out this section."

SEC. 205. INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

The Act (42 U.S.C. 9901 et seq.) is amended—

(1) by redesignating sections 682 and 683 as sections 683 and 684, respectively; and

(2) by inserting after section 681 the following:

"SEC. 682. NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary of Health and Human Services is authorized to make a grant to an eligible service provider to administer national or regional programs to provide instructional activities for low-income youth. In making such a grant, the Secretary shall give a priority to eligible service providers that have a demonstrated ability to operate such a program.

"(b) PROGRAM REQUIREMENTS.—

"(1) Any instructional activity carried out by an eligible service provider receiving a grant under this subsection shall be carried out on the campus of an institution of higher education (as defined in section 1201(a) of the Higher Education Act) and shall include—

"(A) access to the facilities and resources of such an institution;

"(B) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

"(C) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

"(D) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965); and

"(E) enrichment instruction and information on matters relating to the well-being of youth, to include educational opportunities and study practices, education for the prevention of drugs and alcohol abuse, health and nutrition, career opportunities and family and job responsibilities.

"(c) ELIGIBLE PROVIDERS.—A national private non-profit organization, a coalition of such organizations, or a private nonprofit organization applying jointly with a business concern shall be eligible for a grant under this subsection if—

"(1) the applicant has demonstrated experience in operating a program providing instruction to low-income youth;

"(2) the applicant shall contribute amounts in cash or fairly evaluated in kind

of no less than 25 percent of the amount requested;

"(3) the applicant shall use no funds from a grant authorized under this section for administrative expenses; and

"(4) the applicant agrees to comply with the regulations or program guidelines promulgated by the Secretary of Health and Human Services for use of funds made available by this grant.

"(d) APPLICATIONS PROCESS.—Eligible service providers may submit to the Secretary of Health and Human Services, for approval, an application in such form at such time as the Secretary deems appropriate.

"(e) PROMULGATION OF REGULATIONS OR PROGRAM GUIDELINES.—The Secretary of Health and Human Services shall promulgate regulations or program guidelines to ensure funds made available under a grant made under this section are used in accordance with the intentions of this Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 for each fiscal year 1995, 1996, 1997, and 1998 for grants to carry out this section."

SEC. 206. AMENDMENT TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

The last section of subtitle D of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11646) is amended—

(1) by striking "SEC. 751." and by inserting "SEC. 754.", and

(2) by striking "1991" and all that follows through "1993", and inserting "1995, 1996, 1997, and 1998".

SEC. 207. AMENDMENTS TO THE HUMAN SERVICES REAUTHORIZATION ACT OF 1986.

Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9901b) is amended—

(1) in subsection (a) by adding at the end of the following:

"(3) Initial and subsequent grant awards may fully fund projects for periods of up to 3 years."

(2) in subsection (b)(1)(B) by striking "After the first fiscal year" and inserting "After the first funding period";

(3) by amending subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) In addition to the grant programs described in subsection (a), the Secretary may make grants to community action agencies for the purpose of enabling such agencies to demonstrate new approaches to dealing with the problems associated with urban gangs or similar antisocial activities of urban youth. Demonstrations shall include such activities as peer counseling, mentoring, development of job skills, assistance with social skills, antigang education, family literacy, parenting skills, and other services designed to assist at-risk youth to continue their education, to secure meaningful employment, or to pursue other productive alternatives to joining gangs or engaging in any other form of anti-social activity.";

(B) by amending paragraph (4) to read as follows:

"(4) Such grants made under this subsection on a competitive basis shall be based on an annual competition determined by the Secretary. Grants made under this subsection shall not exceed \$500,000.";

(4) by amending subsection (h) to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated \$30,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this section.

"(2) Of the amounts appropriated for this section not less than 30 percent shall be used to carry out the programs authorized under subsection (c).

"(3) In addition to sums which are required to carry out the evaluation, reporting, and dissemination of results under subsections (a), (c), (d), and (f), the Secretary is authorized to reserve up to 2 percent of the amounts appropriated pursuant to subparagraphs (1) and (2) for administration of the program as well as for planning and technical assistance."

SEC. 208. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1994.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE AMENDMENTS

SECTION 301. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1994".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 302. STATEMENT OF PURPOSE.

Section 2602(a) (42 U.S.C. 8621(a)) is amended to read as follows:

"(a) In order to assist low-income households, particularly those with the lowest incomes that pay a high proportion of their income for home energy, both in meeting their immediate home energy needs, and in attaining the capacity to meet such needs independently in the future, the Secretary of Health and Human Services may make grants to States for programs and activities consistent with this title."

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—Section 2602 (42 U.S.C. 8621) is amended—

(1) in subsection (b), by striking "this title" and all that follows through the end of the first sentence and inserting "this title, \$2,000,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1)";

(ii) by striking "July 1" and inserting "October 1"; and

(iii) by striking "for which" and inserting "following the year in which"; and

(B) by striking paragraphs (2) and (3);

(b) INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL SOURCES.—Subsection (d) of section 2602 (42 U.S.C. 8621(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out section 2607A, \$50,000,000 for each of the fiscal years 1995 and 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999."

SEC. 304. EMERGENCY FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602 (42 U.S.C. 8621), as amended by section 303, is amended by adding at the end thereof the following:

"(e) There is authorized to be appropriated in each fiscal year for payments under this title, in addition to amounts appropriated for distribution to all the States in accordance with section 2604 (other than subsection (g)), \$600,000,000 to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. Funds appropriated pursu-

ant to this subsection are hereby designated to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such funds shall be made available only after the submission to Congress of a formal budget request by the President (for all or a part of the appropriation pursuant to this subsection) that includes a designation of the amount requested as an emergency requirement as defined in such Act."

(b) HOME ENERGY.—Section 2603 (42 U.S.C. 8622(3)) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (4), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following:

"(1) The term 'energy burden' means the expenditures of the household for home energy divided by the income of the household.";

(3) by inserting before paragraph (4), as so redesignated, the following:

"(3) The term 'highest home energy needs' means the home energy requirements of a household determined by taking into account both the energy burden of such household and the unique situation of such household that results from having members of vulnerable populations, including very young children, individuals with disabilities, and frail older individuals."

(c) ALLOTMENT OF EMERGENCY FUNDS.—Section 2604 (42 U.S.C. 8623) is amended by adding at the end thereof the following:

"(g) Notwithstanding subsections (a) through (f), the Secretary may allot amounts appropriated pursuant to section 2602(e) to one or more than one State. In determining to which State or States additional funds may be allotted, the Secretary shall take into account the extent to which a State was affected by the emergency or disaster, the availability to an affected State of other resources under this or any other program, and such other factors as the Secretary determines relevant. The Secretary shall notify Congress of the proposed allotment pursuant to this subsection before releasing the allotted funds."

SEC. 305. AUTHORIZED USES OF FUNDS.

(a) IN GENERAL.—Paragraph (1) of section 2605(b) (42 U.S.C. 8624(b)(1)) is amended to read as follows:

"(1) use the funds available under this title to—

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;"

(b) ENCOURAGED REDUCED HOME ENERGY NEEDS.—Section 2605(b) (42 U.S.C. 8624(b)) is amended—

(1) in paragraph (14) by striking "and" at the end;

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (15) the following:

"(16) use such funds, at its option, to provide services that encourage and enable

households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors."

SEC. 306. TARGETING OF ASSISTANCE OF HOUSEHOLDS WITH HIGH HOME ENERGY BURDENS.

(a) HOUSE INCOME.—Section 2605(b)(2)(B) (42 U.S.C. 8624(b)(2)(B)) is amended by striking the matter following clause (ii) and inserting the following:

"except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income;"

(b) OUTREACH ACTIVITIES.—Section 2605(b)(3) (42 U.S.C. 8624(b)(3)) is amended by striking "are made aware" and inserting "and households with high home energy burdens, are made aware".

(c) ASSISTANCE LEVELS.—Section 2605(b)(5) (42 U.S.C. 8624(b)(5)) is amended by inserting "or needs" after "highest energy costs".

(d) STATE PLAN.—Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) describes any steps that will be taken (in addition to those necessary to carry out the assurance contained in paragraph (5) of subsection (b)) to target assistance to households with high home energy burdens;"

SEC. 307. CLARIFICATION OF AUDIT REQUIREMENT.

Section 2605 (42 U.S.C. 8624) is amended—

(1) in subsection (b)(10), by striking "and provide that" and all that follows and inserting "and provide that the State will comply with chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act');"; and

(2) in subsection (e), by striking "at least every two years" and all that follows and inserting "in accordance with chapter 75 of title 31, United States Code."

SEC. 308. USE OF DEPARTMENT OF ENERGY WEATHERIZATION RULES TO ACHIEVE PROGRAM CONSISTENCY.

Section 2605(c)(1)(D) (42 U.S.C. 8624(c)(1)(D)) is amended by inserting before the semicolon at the end thereof the following: ", including any steps the State will take to address the weatherization and energy-related home repair needs of households that have high home energy burdens, and describes any rules promulgated by the Department of Energy for administration of its Low Income Weatherization Assistance Program which the State, to the extent permitted by the Secretary to increase consistency between federally assisted programs, will follow regarding the use of funds provided under this title by the State for such weatherization and energy-related home repairs and improvements".

SEC. 309. MATTERS TO BE DESCRIBED IN ANNUAL APPLICATION.

Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amended—

(1) in subparagraph (F) (as so redesignated by section 306(d) of this Act)—

(A) by striking "and (13)" and inserting "(13), and (15)"; and

(B) by striking "and" at the end thereof; and

(2) by inserting after subparagraph (F) (as so redesignated by section 306(d) of this Act), the following:

"(G) states, with respect to the 12-month period specified by the Secretary, the number and income levels of households which apply and the number which are assisted with funds provided under this title, and the number of households so assisted with—

"(i) one or more members who has attained 60 years of age;

"(ii) one or more members who were disabled; and

"(iii) one or more young children; and"

SEC. 310. REPORT OF FUNDS AVAILABLE FOR OBLIGATION.

Section 2607(a) (42 U.S.C. 8628(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following:

"(2) Each State shall notify the Secretary, not later than 2 months prior to the close of a fiscal year, of the amount (if any) of its allotment for such year that will not be obligated in such year, and, if such State elects to submit a request described in subsection (b)(2), such State shall submit such request at the same time. The Secretary shall make no payment under paragraph (1) to a State for a fiscal year unless the State has complied with this paragraph with respect to the prior fiscal year."

SEC. 311. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(A) IN GENERAL.—

(1) TREATMENT OF HOUSEHOLDS.—Section 2605(b)(7)(D) (42 U.S.C. 8624(b)(7)(D)) is amended to read as follows:

"(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for compacts between suppliers and individuals eligible for benefits under this title that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;"

(2) INCENTIVE PROGRAM.—Section 2607A(e) (42 U.S.C. 8626a(e)) is amended by striking "July 31, of each year" and inserting "2 months after the close of the fiscal year during which the State provided leveraged resources to eligible households, as described in subsection (b)".

(3) TRAINING AND TECHNICAL ASSISTANCE.—Section 2609A(a) is amended by striking "\$500,000" and inserting "\$250,000".

(b) TECHNICAL AMENDMENTS.—

(1) Section 2602 (42 U.S.C. 8621) is amended—

(A) in subsection (b), as amended by section 303 of this Act—

(i) by inserting "(other than section 2607A)" after "to carry out the provisions of this title"; and

(ii) by striking the second period at the end thereof; and

(B) in subsection (c)(1) by striking "Act" and inserting "title".

(2) Section 2603(2) (42 U.S.C. 8622(2)), as amended by section 304 of this Act, is amended—

(A) by striking "(4) the" and inserting "(4) The"; and

(B) by striking the semicolon at the end thereof and inserting a period.

(3) Section 2604 (42 U.S.C. 8223) is amended—

(A) in subsection (b)(1) by inserting "of the United States" after "Virgin Islands"; and

(B) in subsection (c)(B)(3)(i) by striking "application" and inserting "applications".

(4) The sentence that immediately precedes paragraph (15) of section 2605(b) (42 U.S.C. 8624(b)) is transferred so as to appear as a flush sentence immediately after paragraph (16).

(5) Section 2605(b)(3) (42 U.S.C. 8624(b)(3)) is amended by striking "handicapped" and inserting "disabled".

(6) Section 2607A(c)(2) (42 U.S.C. 8626a(c)(2)) is amended by striking ".0008 percent" and inserting ".08 percent".

(7) Section 2610(a) (42 U.S.C. 8629(a)) is amended—

(A) in paragraph (2), by striking the semicolon after "used" and inserting a semicolon after "title"; and

(B) in paragraph (5)—

(i) by striking "handicapped" and inserting "disabled"; and

(ii) by inserting before the semicolon at the end thereof "or include young children".

(c) **CRITERIA AND REPORT.**—Section 2605(b) (42 U.S.C. 8624(b)), as amended by subsection (b) of this section, is amended by adding at the end the following: "The Secretary shall develop performance goals and measurements in consultation with State, tribal, and local grantees, that the States may use to assess their success in achieving the purposes of this title and shall, beginning in 1996, make such goals and measurements available together with the model plan required by paragraph (3). Not later than 18 months after the date of the enactment of this sentence, the Secretary shall report to the committees of the House of Representatives and of the Senate that have jurisdiction of this title, on the manner in which, and the degree to which State and local energy assistance programs carried out under this title are meeting the purposes of this title and on any improvements or changes necessary to accelerate the achievement of these goals. The Secretary may not require additional program or client data to be collected by grantees for such report."

SEC. 312. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION (R.E.A.Ch.).

The Act is amended by inserting after section 2607A the following:

"SEC. 2607B. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION (R.E.A.Ch.).

"(a) For fiscal year 1996, and each subsequent fiscal year, the Secretary shall allocate not less than 5 percent of the amount appropriated under section 2607A for such fiscal year to a Residential Energy Assistance Challenge Fund for the purpose of making challenge grants to States that submit qualifying plans that are approved by the Secretary for a Residential Energy Assistance Challenge (in this section referred to as 'R.E.A.Ch.') initiative in such State. States may use such grants—

"(1) for the costs of planning, implementing, and evaluating the initiative; and

"(2) for the costs of achieving performance goals including the long-term reduction of the energy burden program dependency of households eligible for, or receiving, energy assistance under this title, and those goals set out in subsection (b) of the initiative established by the States and approved by the Secretary.

"(b) The Secretary shall establish criteria for approving State plans required by subsection (a). Such criteria shall require such plans to include the following goals:

"(1) To minimize health and safety risks that result from high energy burdens on low-income Americans.

"(2) To prevent homelessness as a result of inability to pay energy bills.

"(3) To increase the efficiency of energy usage by low-income families.

"(4) To target energy assistance to those most in need.

"(5) To encourage eventual energy self-sufficiency for low-income persons.

"(c)(1) Notwithstanding subsection (a), the Secretary may not approve a State plan submitted under such subsection unless such plan includes provisions acceptable to the Secretary with respect to each of the required program elements specified in subsection (d).

"(2) The Secretary may require a State to provide appropriate documentation that its R.E.A.Ch. activities conforms to the State plan as approved by the Secretary.

"(3) Subject to approval by the Secretary, a State plan may include benefits and services in addition to those required program elements specified in subsection (d) that are consistent with the purpose of this title and the R.E.A.Ch. Challenge Option.

"(4) A State may designate all or part of the State, or all or part of the client population, as the focus of its R.E.A.Ch. initiative.

"(d) Each State plan submitted under subsection (a) shall include the following:

"(1)(A) An assurance that such State will provide R.E.A.Ch. services will be delivered through community-based nonprofit entities in such State by—

"(i) making grants to or contracts with such entities for the purpose of providing such services and benefits directly to individuals eligible for such services and benefits; or

"(ii) if a State makes payments directly to eligible individuals or energy suppliers, making contracts with such local entities to administer such programs, including determining eligibility, providing outreach services, and providing noncash benefits.

"(B) An assurance that in making grants or contracts to carry out such R.E.A.Ch. initiative, States shall give priority in selecting organizations described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902(1)); organizations which the Secretary has determined have a record of successfully providing energy services under this title; and organizations that receive weatherization assistance program funds under this title, except that a State may not require any such entity to operate a R.E.A.Ch. initiative program.

"(2) An assurance that all entities that receive grants or contracts under paragraph (1)(A) will provide a program of services and benefits that includes, at a minimum—

"(A) payments to or on behalf of individuals eligible for residential energy assistance services and benefits pursuant to section 2605(b) for home energy costs;

"(B) home-energy-demand-management services, such as residential weatherization energy education and other energy-related home repair which services to be provided jointly with existing Department of Energy weatherization assistance programs;

"(C) counseling and needs assessment on energy budget management, payment plans, and related services; and

"(D) advocacy on behalf of households eligible for R.E.A.Ch. services and benefits before home energy suppliers and State or local energy regulatory officials.

"(3) A description of the methodology the State will use to determine—

"(A) which households will receive 1 or more forms of benefits under the State R.E.A.Ch. initiative;

"(B) the cases in which nonmonetary benefits are likely to provide more cost-effective long-term outcomes than monetary benefits alone.

"(4) A method for targeting nonmonetary benefits that is not inconsistent with the requirements of section 2605.

"(5) A description of the crisis and emergency assistance activities the State will carry out to demonstrate that such assistance provided under this section is designed to discourage crises, to encourage responsible vendor and consumer behavior, and to provide no financial incentive that discourages household payment.

"(6) A description of the activities the State will carry out to provide incentives for recipients of such assistance to pay home energy costs and for responsible vendor behavior. If such plan contains provisions for direct payments to vendors, such plan shall describe efforts such State will carry out—

"(A) to encourage regular payments by individuals or households receiving financial assistance for home energy costs;

"(B) to provide for compacts or covenants between suppliers of home energy and individuals eligible for services and benefits under this title that reduce home energy costs and minimize the risk of home energy crisis;

"(C) to ensure that local entities providing services and benefits under this title have staff who are charged with ensuring responsible vendor behavior;

"(D) to ensure that direct payments to vendors is at the option of the State and local providers and may be contingent on vendors taking appropriate measures to alleviate the energy burdens of eligible households.

"(7) Information and assurances demonstrating that R.E.A.Ch. services and benefits will be targeted to—

"(A) households with high energy burdens; and

"(B) individuals with acute health or safety vulnerability including small children, frail older individuals, and individuals with temporary energy-related emergencies.

"(8)(A) A detailed description of the financial standards that will be applied for determining eligibility for R.E.A.Ch. services and benefits. Such standards shall require that the highest level of assistance under this section will be furnished to households that have highest energy burdens.

"(B) An assurance that such State will require entities providing R.E.A.Ch. services or benefits to establish priorities for providing services to individuals residing in its service area consistent with the purposes of the State R.E.A.Ch. initiative.

"(9)(A) An assurance that such State has conducted public hearings, after giving notice in public media and by mail to all subgrantees, (DOE/WAP) subgrantees, and community action agencies, with respect to the provisions of such plan and before submitting such plan to the Secretary for approval.

"(B) A summary of comments received at such public hearing.

"(C) An assurance that such plan and any revision thereof submitted to the Secretary will be made available for public inspection in such a manner as will facilitate timely and meaningful review of, and comment.

"(10) An assurance that the State will require entities that receive funds under this section to take appropriate measures to solicit the views of individuals who are financially eligible for benefits and services under this section in establishing its local service priorities.

"(11) A description of specific performance goals for the State R.E.A.Ch. initiative and a description of the indicators that will be used to measure whether such performance

goals have been achieved. Such performance goals shall include 1 or more of the following and such other goals as the Secretary may require:

"(A) To increase in the affordability of energy over 1 or more fiscal years.

"(B) To increase the regularity of home energy bill payments by eligible households.

"(C) To increase energy vendor contributions toward the costs of home energy on behalf of eligible individuals and households.

"(D) To decrease the incidence of homelessness and health and safety risks resulting from high household energy burdens.

"(e)(1) The Secretary may waive on request administrative cost ceilings and carryover requirements otherwise applicable to the first 3 years of the operation of a R.E.A.Ch. program's operations.

"(2) None of the costs of providing services or benefits required under this subsection shall be considered to be an administrative cost or function for purposes of any limitation on such administrative cost or functions contained in this title.

"(3) In verifying income eligibility for purposes of subsection this section, the State may apply procedures and policies consistent with procedures and policies used by the State agency administering programs under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the Community Services Block Grant program, under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this section, or under other income assistance or service programs (as determined by the State).

"(4) Neither a State nor a local provider of services or benefits shall be required to provide services or benefits to an individual or household if such provision is inconsistent with State or local priorities.

"(5) If a State chooses to pay home energy suppliers directly, the State plan shall include procedures identified in section 2605 of this title."

SEC. 313. SENSE OF THE CONGRESS REGARDING APPROPRIATIONS FOR LIHEAP.

(a) FINDINGS.—(1) Seventy-seven percent of the over 25 million households that were eligible for the Low-Income Home Energy Assistance Program (hereinafter referred to as "LIHEAP") in fiscal year 1992 did not receive assistance due to a lack of funds.

(2) Recent economic distress has caused significant unemployment, which has resulted in a greater need for energy assistance than ever before.

(3) More than 66 percent of LIHEAP household recipients have an annual income that is below the poverty level.

(4) Forty-three percent of all LIHEAP eligible households include children.

(5) LIHEAP eligible households with children spend approximately 16 percent of their annual incomes on home energy costs, which is more than 4 times greater than that paid by the average household in the United States, and far beyond their means.

(6) Approximately 40 percent of LIHEAP household recipients are comprised of elderly or disabled persons.

(7) LIHEAP is an essential, long-term Federal program that is crucial to the well-being of impoverished American families and their children.

(8) Congress appropriated \$1,475,000,000 for LIHEAP for fiscal year 1995.

(9) The Department of Energy predicts that the costs of residential fuels will increase at a pace greater than inflation.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the maintenance of LIHEAP should be a high priority in order to enable the working poor, the disabled, and the low-income elderly, who all depend on LIHEAP, to meet their energy costs and needs;

(2) all appropriations made for LIHEAP for fiscal year 1995 should be expended; and

(3) expenditures for LIHEAP for fiscal year 1996 should ensure the provision of services at or above the level provided in fiscal year 1995.

SEC. 314. EFFECTIVE DATE.

The amendments and repeals made by this title shall become effective on October 1, 1994.

TITLE IV—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Family Resource and Support Act of 1994".

SEC. 402. COMMUNITY-BASED FAMILY SUPPORT AND FAMILY RESOURCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to support systems change activities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-directed, comprehensive, statewide system of family support and family resource services in collaboration with existing education, vocational rehabilitation, health, mental health, employment and training, child welfare, and other social services agencies within the State.

(b) AUTHORITY.—The Commissioner shall make grants to States for the purpose of—

(1) establishing and expanding statewide a system of community-based family support and family resource programs, including funds for the initial costs of providing specific family resource services, that ensure family involvement in the design and operation of family support and family resource programs which are responsive to the unique and diverse strengths of children and families;

(2) ensuring the active involvement of families of children with disabilities in the planning, development, implementation and evaluation of such a statewide system;

(3) promoting child abuse and neglect prevention activities;

(4) promoting the establishment and operation of State trust funds or other mechanisms for integrating child and family services funding streams in order to provide flexible funding for the development of community-based family support and family resource programs;

(5) establishing or expanding community-based collaboration to foster the development of a continuum of preventive services for children and families, which are family-centered and culturally competent;

(6) increasing and promoting interagency coordination among State agencies, and encouraging public and private partnerships in the establishment and expansion of family support and family resource programs; and

(7) facilitating the changing of laws, regulations, policies, practices, procedures, and organizational structures, which impede the availability or provision of family support and family resource services.

(c) ELIGIBILITY FOR GRANTS.—A State is eligible for a grant under this section for any fiscal year if—

(1) such State has established or maintained in the previous fiscal year—

(A) a trust fund, including appropriations for such fund; or

(B) any other mechanism for integrating family resource services funded by Federal, State, or private sources; and

(2) such trust fund or other funding mechanism includes (in whole or in part) provisions making funding available specifically for a broad range of child abuse and neglect prevention activities and family support and family resource programs.

(d) AMOUNT OF GRANT.—

(1) IN GENERAL.—Amounts appropriated for a fiscal year to provide grants under this section shall be allotted, among eligible States in each fiscal year so that—

(A) 50 percent of the total amount appropriated for such fiscal year is allotted among each State based on the number of children under the age of 18 residing in each State, except that each State shall receive not less than \$1,000,000, and each territory shall receive not more than \$100,000; and

(B) the remaining 50 percent of the total amount appropriated for such fiscal year is allotted in an amount equal to 25 percent of the total amount allocated by each such State to the State's trust fund or other mechanism for integrating family resource services in the fiscal year prior to the fiscal year for which the allotment is being determined.

(2) MINIMUM GRANT AMOUNT.—If the amount appropriated for any fiscal year is less than \$50,400,000, grants shall be awarded on a competitive basis with no grantee receiving less than \$1,000,000.

(3) AWARD PERIOD.—Grants made on a competitive basis shall be awarded for a period of 3 years and shall be calculated in the manner described in paragraph (1).

(4) GRANTS TO TERRITORIES.—From amounts appropriated to carry out this section for any fiscal year, the Commissioner shall pay to each territory that has an application approved under this section not more than \$100,000.

(e) EXISTING GRANTS.—A State that has a grant in effect on the date of enactment of this section under the Family Resource and Support Program shall continue to receive funds under such Program, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

(f) APPLICATION.—No grant may be made to any eligible State under this section unless an application is prepared and submitted to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner determines to be essential to carry out the purposes and provisions of this section, including—

(1) a description of the agency designated by the Chief Executive Officer of the State to administer the funds provided under this section and assume responsibility for implementation and oversight of the family support and family resource programs and other child abuse and neglect prevention activities, and an assurance that the agency so designated—

(A) is the trust fund advisory board or an existing quasi-public organization with interdisciplinary governance that pools State, Federal, and private funds for family support and family resource programs or integrating child and family service resources; or

(B) with respect to a State without a trust fund mechanism or quasi-public organization that meets the requirements of subparagraph (A), is an existing State agency, or other public, quasi-public, or nonprofit private agency responsible for the development and implementation of a statewide network of community-based family support and family resource programs;

(2) assurances that the agency designated under paragraph (1) can demonstrate the ca-

capacity to fulfill the purposes described in subsection (a), and shall have—

(A) a demonstrated ability to work with other State and community-based agencies, to provide training and technical assistance;

(B) a commitment to parental participation in the design and implementation of family support and family resource programs;

(C) the capacity to promote a statewide system of family support and family resource programs throughout the State; and

(D) the capacity to exercise leadership in implementing effective strategies for capacity building, family and professional training, and access to and funding for family support and family resource services across agencies;

(3) an assurance that the lead entity will coordinate the activities funded through a grant made under this section with the activities carried out by councils within the State, including the following councils:

(A) the State Interagency Coordinating Council, established under part H of the Individuals with Disabilities Education Act;

(B) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

(C) the State Rehabilitation Advisory Council, established under the Rehabilitation Act of 1973;

(D) the State Development Disabilities Planning Council, established under the Developmental Disabilities Assistance and Bill of Rights Act; and

(E) other local or regional family support councils within the State, to the extent that such councils exist;

(4) an assurance that the lead agency will actively coordinate with the councils referred to in Paragraph (3) in carrying out the development and implementation, or expansion and enhancement of, a family-centered and family-directed, comprehensive, statewide system of family support and family resource services.

(5) an assurance that the State has an interagency process coordinated by the agency designated in paragraph (1) for effective program development that—

(A) does not duplicate existing processes for developing collaborative efforts to better serve children and families;

(B) provides a written plan for the establishment of a network of family support and family resource programs publicly available; and

(C) involves appropriate personnel in the process, including—

(i) parents and prospective participants in family support and family resource programs, including respite care programs;

(ii) staff of existing programs providing family support and family resource services, including staff of Head Start programs and community action agencies that provide such services;

(iii) representatives of State and local government such as social service, health, mental health, education, vocational rehabilitation, employment, economic development agencies, and organizations providing community services activities;

(iv) representatives of the business community;

(v) representatives of general purpose local governments;

(vi) representatives of groups with expertise in child abuse prevention, including respite and crisis care;

(vii) representatives of local communities in which family support and family resource programs are likely to be located;

(viii) representatives of groups with expertise in providing services to children with disabilities; and

(ix) other individuals with expertise in the services that the family resource and support programs of the State intend to offer;

(6) a description of the current family support and family resource programs operating in the State, the current unmet need for the services provided under such programs, including the need for building increased capacity to provide specific family resource and family support services, including respite care, and the intended scope of the State family support and family resource program, the population to be served, the manner in which the program will be operated, and the manner in which such program will relate to other community services and public agencies;

(7) evidence that Federal assistance received under this section—

(A) has been supplemented with non-Federal public and private assistance, including a description of the projected level of financial commitment by the State to develop a family support and family resource program; and

(B) will be used to supplement and not supplant other State and local public funds expended for family support and family resource programs;

(8) a description of the core service, as required by this section, and other support services to be provided by the program and the manner in which such services will be provided, including the extent to which either family resources, centers, home visiting, or community collaboratives will be used;

(9) an assurance that the lead agency will ensure that the amount of Federal funds spent on respite care services within the State during the previous fiscal year shall be maintained;

(10) a description of any public information activities the agency designated in paragraph (1) will undertake for the purpose of promoting family stability and preventing child abuse and neglect, including child sexual abuse;

(11) an assurance that the State will provide funds for the initial startup costs associated with the development of 1 respite program annually in the State, as well as other specific family resource services, and a description of the services to be funded;

(12) an assurance that the State program will maintain cultural diversity and be culturally competent;

(13) a description of the outreach and other activities the program will undertake to maximize the participation of racial and ethnic minorities, persons with limited-English proficiency, individuals with disabilities, and members of other underserved or underrepresented groups in all phases of the program;

(14) a description of the guidelines for requiring parental involvement in State and local program development, policy design, and governance and the process for assessing and demonstrating that parental involvement in program development, operation, and governance occurs;

(15) a description of the State and community-based interagency planning processes to be utilized to develop and implement family support and family resource programs;

(16) a description of the criteria that the State will utilize for awarding grants for local programs so that they meet the requirements of subsection (g);

(17) a plan for providing training, technical assistance, and other assistance to local communities in program development;

(18) a description of the methods to be utilized to evaluate the implementation and effectiveness of the family support and family resource programs within the State;

(19) a description of proposed actions by the State will reduce practical and regulatory barriers to the provision of comprehensive services to families, including family support and family resource programs; and

(20) an assurance that the State will provide the Commissioner with reports, at such time and containing such information as the Commissioner may require.

(g) LOCAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—A State that receives a grant under this section shall use amounts received under such grant to establish local family support and family resource programs that—

(A) undertake a community-based needs assessment and program planning process which involves parents, and local public and nonprofit agencies (including those responsible for providing health, education, vocational rehabilitation, employment training, Head Start and other early childhood, child welfare, and social services);

(B) develop a strategy to provide comprehensive services to families to meet identified needs through collaboration, including public-private partnerships;

(C) identify appropriate community-based organizations to administer such programs locally;

(D) provide core services, and other services directly or through contracts or agreements with other local agencies; and

(E) involve parents in the development, operation, and governance of the program.

(2) PRIORITY.—In awarding local grants under this section, a State shall give priority to programs serving low-income communities and programs serving young parents or parents with young children and shall ensure that such grants are equitably distributed among urban and rural areas.

(h) DEFINITIONS.—As used in this section:

(1) CHILDREN WITH DISABILITIES.—The term "children with disabilities" has the meaning given such term in section 602(a)(1) of the Individuals with Disabilities Education Act.

(2) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Administration on Children, Youth, and Families.

(3) COMMUNITY REFERRAL SERVICES.—The term "community referral services" means services to assist families in obtaining community resources, including respite care services, health and mental health services, employability development and job training and other social services.

(4) CULTURALLY COMPETENT.—The term "culturally competent" means services, supports, or another assistance that is conducted or provided in a manner that—

(A) is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of these individuals receiving services; and

(B) has the greatest likelihood of ensuring maximum participation of such individuals.

(5) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term "family-centered and family-directed" means, with respect to a service or program, that the service or program—

(A) facilitates the full participation, choice, and control by families in—

(i) decisions relating to the supports that will meet the priorities of the family; and

(ii) the planning, development, implementation, and evaluation of the statewide sys-

tem of family support and family resource services for families;

(B) responds to the needs of the entire family in a timely and appropriate manner; and

(C) is easily accessible to and usable by families.

(6) FAMILY SUPPORT.—The term "Family support"—

(A) means supports, resources, services, and other assistance provided to families of children with disabilities that are designed to—

(i) support families in the efforts of such families to raise their children with disabilities in the family home;

(ii) strengthen the role of the family as primary caregiver;

(iii) prevent inappropriate out-of-the-home placement and maintain family unity; and

(iv) reunite families with children with disabilities who have been placed out of the home, whenever appropriate; and

(B) may include—

(i) service coordination that includes individualized planning and brokering for services with families in control of decision making;

(ii) goods and services, which may include specialized diagnosis and evaluation, adaptive equipment, respite care (in and out of the home), personal assistance services, home-maker or chore services, behavioral supports, assistive technology services and devices, permanent or future planning, home and vehicle modifications and repairs, equipment and consumable supplies, transportation, recreation and leisure activities, specialized nutrition, clothing, counseling services and mental health services for family members, family education or training services, communication services, crisis intervention, day care, child care and camps, supports and services for integrated and inclusive community activities, parent or family member support groups, peer support, sitter service or companion service, and education aids and toys; and

(iii) financial-assistance, which may include discretionary cash subsidies, allowances, voucher or reimbursement systems, low-interest loans, or lines of credit.

(7) FAMILY SUPPORT AND FAMILY RESOURCE PROGRAM.—The term "family support and family resource program" means a program that offers community-based services that provide sustained assistance to families at various stages in their development. Such services shall promote parental competencies and behaviors that will lead to the healthy and positive personal development of parents and children through—

(A) the provision of assistance to build family skills and assist parents in improving their capacities to be supportive and nurturing parents;

(B) the provision of assistance to families to enable such families to use other formal and informal resources and opportunities for assistance that are available within the communities of such families; and

(C) the creation of supportive networks to enhance the child-rearing capacity of parents and assist in compensating for the increased social isolation and vulnerability of families.

(8) FAMILY RESOURCE SERVICES.—The term "family resource services" means—

(A) core services that must be provided directly, or by referral or contract, by the family support and family resource program under this section, including—

(i) education and support services provided to assist parents in acquiring parenting skills, learning about child development, and

responding appropriately to the behavior of their children;

(ii) early developmental screening of children to assess the needs of such children and to identify the types of support to be provided;

(iii) respite care services which are available 24 hours per day and every calendar day of the year;

(iv) outreach services;

(v) community referral services; and

(vi) follow-up services; and

(B) other services, which may be provided either directly or through referral, including—

(i) early care and education (such as child care and Head Start);

(ii) respite care;

(iii) job readiness and counseling services (including skill training);

(iv) education and literacy services, including English as a second language and family literacy services;

(v) nutritional education;

(vi) life management skills training;

(vii) peer counseling and crisis intervention, and family violence counseling services;

(viii) referral for health (including prenatal care) and mental health services; and

(ix) substance abuse treatment.

(9) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term "family-centered and family-directed" means, with respect to a service or program, that the service or program—

(A) facilitates the full participation, choice, and control by families in—

(i) decisions relating to the supports that will meet the priorities of the family; and

(ii) the planning, development, implementation, and evaluation of the statewide system of family support for families;

(B) responds to the needs of the entire family in a timely and appropriate manner; and

(C) is easily accessible to and usable by families.

(10) INTERDISCIPLINARY GOVERNANCE.—The term "interdisciplinary governance" includes governance by representatives from communities and representatives from existing health, mental health, education, vocational rehabilitation, employment and training, child welfare, and other agencies within the State.

(11) RESPITE CARE SERVICES.—The term "respite care services" means short-term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, guardian) to children who meet one or more of the following categories:

(A) The children are in danger of abuse or neglect.

(B) The children have experienced abuse or neglect.

(C) The children have disabilities, or chronic or terminal illnesses.

Services provided within or outside the child's home shall be short-term care, ranging from a few hours to a few weeks of time, per year, and be intended to enable the family to stay together and to keep the child living in the child's home and community.

(1) Strategic Plan.—

(1) IN GENERAL.—Not later than 1 year after the date on which assistance is received by a State under this section, the lead agency of the State, shall prepare and submit to the Commissioner, a strategic plan designed to achieve the purposes and policy of this section.

(2) CONTENTS.—The strategic plan shall include—

(1) a statement of the mission, philosophy, values, and principles of the statewide system of family support and family resources in the State;

(2) a statement of family-centered outcomes to be achieved by the statewide system of family support and family resources;

(3) specific goals and objectives for developing and implementing, or expanding and improving, the system for providing family support and family resource services, and for achieving the family-centered outcomes;

(4) systemic approaches for accomplishing the objectives and achieving the family-centered outcomes, including interagency coordination and cooperation that builds upon state-of-the-art practices and research findings;

(5) a description of the specific programs, projects, and activities funded under this section and the manner in which the programs, projects, and activities accomplish the objectives and achieve the family-centered outcomes;

(6) a description of an ongoing quality improvement or quality enhancement system, which utilizes information from ongoing measurements of the extent to which family-centered outcomes are achieved, to improve the system.

(7) a description of the eligibility criteria to be used to carry out programs, projects, and activities under this section that includes all eligible families;

(8) an analysis of the extent to which family support and family resource services for an individual family is defined as a benefit and not as income; and

(9) a description of the plan to conduct an annual evaluation of the statewide system of family support and family resources.

(J) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section, \$30,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 and 1997.

(K) REPEAL OF EXISTING PROGRAM.—Section 933 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12339) is repealed.

SEC. 403. FEDERAL COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.

Section 918 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12314) is amended—

(1) in subsection (k)—

(A) in paragraph (3), by striking out "and" at the end thereof;

(B) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following:

"(5) identify program regulations, practices, and eligibility requirements that impeded coordination and collaboration and make recommendations for their modifications or elimination; and

"(6) develop recommendations for creating jointly funded programs, unified assessments, eligibility, and application procedures and confidentiality protections that facilitate information sharing.";

(2) in subsection (o), by striking "1991 through 1994" and inserting "1995 through 1998"; and

(3) in subsection (p), by striking "1995" and inserting "1998".

SEC. 404. FAMILY RESOURCE ACT.

(A) NATIONAL CENTER.—Section 958(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12353(b)) is amended—

(1) in paragraph (3)—

(A) by striking "model"; and

(B) by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) develop and maintain a system for disseminating information about all types of respite care options;

"(6) develop and provide an array of training and technical assistance activities to establish and maintain quality respite care options;

"(7) engage in a variety of evaluation and research activities to identify effective models of respite care services, examine the effects of respite care services on family functioning, and to develop simple evaluation models for use by local respite care service programs."

(b) AUTHORIZATION AND APPROPRIATIONS.—Section 960 of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12355) is amended—

(1) in subsection (a), by striking "\$2,300,000" and all that follows through the end thereof and inserting "\$2,000,000 for each of the fiscal years 1995 through 1998."; and

(2) in subsection (b), by striking "\$700,000" and all that follows through the end thereof and inserting "\$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

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

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

Mr. Speaker, first let me acknowledge the tremendous leadership of Chairman FORD of the Education and Labor Committee in bringing this reauthorization bill to the floor today.

As Members know, the other body has passed a companion version of the reauthorization bill, and we believe that the differences between the bill proposed here today and the version passed by the other body, while important to the House of Representatives, are not so material that a final conference agreement will be delayed.

In addition to reauthorization of Head Start, H.R. 4250 reauthorizes two other significant programs and makes changes or extensions to several smaller programs.

I know that my colleagues on both sides of the aisle support those programs and that many of them would like to contribute to this debate, so I will not take a great deal of time describing all of the changes.

As I said, title I of the bill addresses the reauthorization of Head Start.

As with the companion bill in the other body this bill addresses nearly all of the recommendations made in the report of the Secretary's bipartisan advisory committee on Head Start quality and expansion.

I would like to acknowledge the tremendous work that was done by that bipartisan advisory committee, which was composed of Head Start professionals, child development and child

education specialists, academics, administration officials from several agencies, and staff of both Houses of Congress from both political parties.

I believe that this bill will accomplish most, if not all, of the desired results spelled out in that bipartisan report and I thank Secretary Donna Shalala for her foresight in empaneling the group and guiding its work.

This bill reauthorizes Head Start for 4 years, provides for improvement of the program through revised monitoring and assistance rules, expands the work that has been done by parent-child centers for a quarter century into a new infants and toddler's initiative—one that builds on the work of those centers and protects their continued existence.

H.R. 4250 strengthens the Secretary's ability to deal with poorly performing grantees.

The bill also addresses a number of issues raised by Indian Head Start grantees, migrant Head Start programs, and rural programs, although it does not contain one of the centerpieces that I and many of my colleagues believe is essential to the continued expansion and improvement of these programs—the ability of Head Start grantees to construct their own facilities where there are only more expensive or virtually no other means of securing quality facilities.

Let me assure you here today and my friends throughout the Head Start community that I am committed to seeing that construction is addressed at the earliest possible time.

The bill also creates a new Head Start Fellowship program, and mentor teacher positions within Head Start, so that these dedicated people who are the backbone of Head Start can continue to be recognized and achieve greater professional fulfillment.

Finally, the involvement of parents in the education of their children is a central aspect of Head Start, and we have, with the very able assistance of Mr. GOODLING, ranking member of the committee, and Ms. MOLINARI, ranking member of the subcommittee, added new language that will enable Head Start grantees to expand and improve programs, including family literacy programs: that will better enable parents to understand and fulfill that vital role in the development of their children and getting them ready to learn.

Title II of H.R. 4250 provides for the reauthorization of the Community Services Block Grant.

In developing this title, and consistent with the action of the other body, we have tended to deviate from the proposal put forward by the administration in its reauthorization bill.

We understand and accept the view that hard choices must be made in times of fiscal difficulty, and we appreciate the efforts of the administration, under the Reinventing Government

Program, to streamline Federal activities and eliminate programs that can successfully be integrated into other Federal efforts.

However, we also recognize that some of the programs currently authorized under the Community Services Block Grant Act with separate authorizations and separate appropriations do serve unique needs and operate outside of the mainstream community services effort.

Thus, we have retained the separate authorizations for the McKinney Emergency Homeless Assistance Program, which is the only Federal program that addresses prevention of homelessness, rather than dealing with persons who are already homeless.

We have retained the separate authorization for the Community Food and Nutrition Program.

As we learned in our reauthorization hearings, this program is critical to the States' ability to continue to develop nutrition programs for poor students in the Nations public schools, and that need cannot be met fully as part of the general program.

Finally, the National Youth Sports Program is again separately authorized under this bill so that it can continue to provide unique opportunities to young people in campus based recreation, sports and learning programs and offer hope instead of despair, and a place to go that is safe and nurturing.

Title III of the bill reauthorizes the Low Income Home Energy Assistance Program.

I would like to thank Chairman DINGELL of the Energy and Commerce Committee, my fellow Californian, Mr. MOORHEAD, ranking member of the committee, and Chairman SHARP and Mr. BILIRAKIS of the Energy and Power Subcommittee, for their cooperation in moving this reauthorization, over which we share jurisdiction.

I believe that the LIHEAP reauthorization represents the continued support that this body has for this critical program, and that the changes we have proposed will strengthen the administration of this vital program at all levels.

Finally, title IV of H.R. 4250, reauthorizes and reconstitutes the Family Support and Family Resources Program originally enacted as part of the Claude Pepper Young Americans Act.

I wish to acknowledge the support and assistance of Chairman MAJOR OWENS of the Select Education and Civil Rights Subcommittee for his review and recasting of this title during markup at the full committee. It has been invaluable to crafting a strong proposal and one that I, of course, wholeheartedly support.

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

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

Mr. Speaker, I rise in support of H.R. 4250, the reauthorization of the Gus

Hawkins Human Services Act. This important legislation contains separate reauthorizations for Head Start, CSBG, LIHEAP, and other programs.

H.R. 4250 and all its components is a product of lengthy negotiations which have resulted in a bipartisan bill. It is not a perfect bill, but, of course, no legislation ever is. However, it contains important provisions of which I am particularly proud, provisions that I believe move these programs in the right direction.

First, contained in title I, which reauthorizes Head Start, there are several mechanisms which will improve the quality of services provided to needy children under the Head Start program. I have been a voice in the wilderness for years saying that we should get beyond the business of just talking about access and more money so we can cover more people but talk about what we are covering them with. We should be covering them with excellence, and that is what this legislation is about today.

Many of these ideas came from the bill that the gentlewoman from New York [Ms. MOLINARI] and Senator KASSEBAUM and I introduced in the Head Start Quality Improvement Act.

During the history of Head Start Congress has spent over \$27 billion of the taxpayers' money to fund the program, and yet we do not have the necessary research at the present time to show what lasting benefits there are. Therefore, that was one of the reasons why we wanted to concentrate on quality rather than just numbers of children. If we cannot be confident that the quality of services we are paying for produces real results for these children, then, of course, we should not be spending more money.

Head Start programs in many areas make a positive impact on children's lives. The programs must provide the highest quality services possible in order to do this. I firmly believe that our first priority with Head Start must be to wrap these kids in excellence, and I think those improvements are built into H.R. 4250.

Also contained in the Head Start section of the bill are provisions to increase parental involvement in Head Start. What we are trying to do is make sure that all parents participate and that all parents receive parenting skills when needed and all parents improve their literacy skills. If that parent is going to be the first and most important teacher that the child has and if the child is going to succeed, that parent must be the most important teacher the child will ever have, and in order to provide that we must make sure they have the parenting skills to do it and they have the literacy skills in order to do it. I believe this legislation will go a long way to do that.

Many people have been talking about family literacy for a long, long time,

but we have been very slow to really get around to the business of insisting on family literacy programs. I believe we are moving in that direction in this bill.

The bill also has some other provisions that I am very much interested in, but I will move next to LIHEAP. I think the reauthorization of LIHEAP shows that we have strong support in the Congress for the LIHEAP program. The last bitter winter for many of us indicates just how important that program is. Therefore, it is not one of those programs we can look at and say that we will cut 50 percent of the funding that has been recommended, because it is one that is very, very important when it comes to helping families.

I believe the purposes of the Community Services Block Grant program could be effectively met under a consolidated funding stream, but even under the current structure many of the CSBG programs have a very positive impact on our local communities. For example, in York County, Edith Huntsberger has done an excellent job in leading the Community Progress Council. The organization, using CSBG funds, coordinates the services of several existing programs and takes the initiative to identify service gaps and create the necessary programs to address these unmet needs. The Community Progress Council is a wonderful example in many areas of the kind of innovative and effective organization that CSBG funds support.

Of course, there are other components of H.R. 4250 that I would prefer be eliminated, and I would hope that before it is all finished we will be able to do that. But overall we have worked very well together to develop a good peace of legislation, and I urge my colleague to support it.

Mr. Speaker, I would like to thank the gentleman from Michigan [Mr. FORD], the gentlewoman from New York [Ms. MOLINARI], and the gentleman from California [Mr. MARTINEZ] for working together with me to develop this important legislation, and I also want to thank the gentleman from New York [Mr. OWENS] and the gentleman from North Carolina [Mr. BALLENGER] for their contributions to title IV of the bill. And, of course, I thank the staffs who have worked very well in a bipartisan fashion, with the whole idea of helping people.

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

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER], chairman of the Democratic Caucus.

□ 1310

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding time to me, and I congratulate him for his work, and thank my good friend, the gentleman from Pennsylvania [Mr. GOODLING], the ranking member, as well.

Mr. Speaker, I rise today in support of H.R. 4250, which reauthorizes—and in some key ways reinvents—the Head Start Program.

I want to touch briefly on several of those key improvements, but I also want to say a few words about the challenges that remain if Head Start is to live up to its potential.

I would just like to mention, too, that those of us on the Labor-Health Appropriations Subcommittee have been working to encourage many of these needed changes and clarifications in the Head Start statute, and we're gratified to see them in H.R. 4250.

For example, allocating expansion funds for quality improvement is a priority we have been advocating for a number of years now. H.R. 4250 clarifies that at least 25 percent of any expansion funds must be used for quality improvement. It also requires the upgrading of qualifications for Head Start staff.

This bill breaks new ground by authorizing a new component of Head Start focused on children from infancy to 3 years old, which are vital developmental years.

I am also pleased to see that H.R. 4250 encourages full day, full year Head Start programs; this option is crucial for many working parents, and a boon to the children as well.

And this legislation moves us toward greater collaboration between Head Start and other State and Federal services for disadvantaged children and their families. I think we need to go much further in this area, however, and I look forward to working with the administration and others on greater service coordination and consolidation.

Finally, a word about what it will take to make the good intentions embodied in this bill a reality. Oversight and evaluation are absolutely necessary if any of the rest of the new Head Start structure is to work. The Secretary of HHS still has an enormous task before her. She still has to establish the quality standards and set up effective monitoring of grantees adherence to these standards. Those things are required in this bill, but their success rests on HHS' energetic and inventive implementation of what we pass today. Our children deserve nothing less, and I am eager to work with Secretary Shalala to see that Head Start achieves its estimable potential.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in reluctant support of H.R. 4250 because while the bill contains many improvements to the Head Start, Community Services Block Grant, and the Low-Income Home Energy Assistance Programs, it also contains an expansion of the Head Start Program that—if gone unchecked—

could imperil the past and future success of Head Start on the sword of overzealous expansion.

H.R. 4250 would expand Head Start to children from 0 to 3 years of age, commonly referred to as the 0 to 3 initiative, by setting aside, in the first year of the expansion, 3 percent of Head Start funds, eventually rising to 5 percent of Head Start funds.

If we just look at current appropriations, \$165 million a year could be siphoned from current programs to fund this untested and unstudied 0 to 3 initiative.

During Education and Labor Committee consideration, I offered a common sense amendment to create an Advisory Committee to study this initiative for 1 year, so we could have full knowledge of the scope, structure, funding, standards, implementation, and other issues that will affect this initiative. Unfortunately, my amendment was defeated.

Mr. Speaker, no one in the administration or in Congress has any idea the effect this initiative could have on current Head Start Programs.

In fact, the report issued by Secretary Shalala's Advisory Committee on Head Start stated: "Some Advisory Committee members believe that further study is needed to explore ways of serving additional families with children under age 3, prior to launching an initiative."

As well, the National Head Start Association and the National Black Child Development Institute also expressed concerns with the 0 to 3 initiative in H.R. 4250 because of the possible detrimental impact on current Head Start Programs.

I've met with Head Start teachers, administrators, parents, and children and I've been greatly impressed with the commitment and involvement of the community in these programs, and with the progress they've made in getting children ready to learn.

However, I fear that including the 0 to 3 initiative in such a helter skelter approach may cause irreparable harm to these efforts.

But, caution and deliberation have been thrown to the wind on the 0 to 3 initiative, because many believe we must expand for expansion's sake.

So to address my concerns, I'll be writing to the GAO [General Accounting Office] to request a study of the impact of the 0 to 3 initiative on current Head Start Programs. I urge my colleagues to join with me in requesting this study.

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

Mr. Speaker, 0 to 3 is not a new program. It has been out for a long time and has been studied extensively.

Mr. Speaker, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise to support H.R. 4250, the Head Start,

LIHEAP, and Community Services Block Grant reauthorization.

In a recent series of forums I held in my home district in Washington State, we focused on the importance of early intervention programs to the prevention of violence. We must go back to the roots of human behavior and support our families.

After all, by giving parents opportunities to increase their knowledge and understanding of basic child development and applying that knowledge to how they discipline their children, to improve their literacy skills, and to share experiences with other parents, we are acknowledging that parents are the first and best teachers of children.

Therefore, I am particularly delighted, Mr. Speaker, that the administration has placed a particular priority to the birth to 3 years, as has the committee, and I would like to thank my colleagues and Chairman MARTINEZ for including my provisions from H.R. 4270 in the final version of the legislation. There is nothing more important to our national security than how we educate our children. This is a good start.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in support of H.R. 4250 and address my remarks to title IV of the bill, the Family Resource and Support Act, which was developed jointly by Select Education and Civil Rights Subcommittee Chairman MAJOR OWENS and me.

The Family Resource and Support Act breaks the tradition in Congress of creating separate programs for the disabled and the non-disabled. Instead, this program creates a single approach to statewide systems change and coordination of existing resources that can help all families—including families of children that are disabled.

Since all families need many of the same basic supports—community services information, help with day care, family and parental support, and training—it makes sense just to have one system that helps all kinds of families. And for those families of children with disabilities or other special circumstances, the communitywide planning process will help identify and develop approaches to meet their unique needs.

It is also important to note that we have maintained the competitive nature of this program instead of transforming it to a formula grant, and that we maintained a more realistic authorization level of \$30 million instead of the Senate's excessive figure of \$75 million.

I should point out that I would support a greater degree of program consolidation than we achieved in this bipartisan proposal, and I hope that we will consider more consolidations during the conference process.

I urge my colleagues to support this bipartisan approach to helping all families. I would like to express my appreciation to Subcommittee Chairman OWENS for working with me to develop the Family Resource and Support Act.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. SHARP], chairman of the Subcommittee on Energy and Power of the full Committee on Energy and Commerce.

□ 1320

Mr. SHARP. Mr. Speaker, I particularly want to thank the gentleman from California [Mr. MARTINEZ] and the gentleman from Pennsylvania [Mr. GOODLING] for their effective work on this legislation and particularly address the LIHEAP or the Low Income Home Energy Assistance Program which is being reauthorized here, has strong bipartisan support and with very good reason.

There is a critical need out there in the country for us to continue this program. And indeed, as we look for welfare reform, there are many important changes that have occurred in this program, as it is run in many States, from which we can learn and benefit.

This is ahead of the curve in terms of welfare reform in many of our States, because it seeks to bring in additional private and sometimes public resources to meet the need. It seeks to help the individual recipient better take care of their own energy needs and to pay as much of their bill as they can.

I think it is headed in exactly the right direction. Mr. Speaker, we simply cannot at this point further cut back a program that has been dramatically cut back, as some have advocated that we do. The need continues to be great. In my written statement to be a part of the RECORD I have outlined statistically what has happened to people on the energy bills, and we continue to only meet about 23 percent of the need in this country.

So in this time of budgetary restraint, when we all know we have to be careful, nonetheless, Mr. Speaker, we should not do further damage to this program.

Mr. Speaker, I rise in support of the bill.

It is a testament to the effectiveness of this program that we are able to bring this bill to the floor under suspension of the rules. These programs really work and as a consequence there is little controversy in the Congress.

LIHEAP has been an effective program, but I think the committee has made some changes that will make it even more so.

Of equal concern with the issues before us in the reauthorization is the level of funding for LIHEAP. The administration budget request for fiscal year 1995 suggests cutting this program in half. I would hope that the House will not accept this suggestion.

It is surprising that this program, of all programs, should be subject to a proposed budget cut. The Congress and the administration

are beginning to address the difficult subject of welfare reform and discuss new principles for public assistance programs. It seems to me that LIHEAP is a model program for the new way of doing things.

The program encourages more responsible behavior on the part of recipients, encouraging them to pay more, not less, of their energy bills. It leverages private and other resources. It helps low-income citizens gain control of their energy bills through weatherization, energy efficiency, and energy education. It seems to be what we should be doing more of and not less of. LIHEAP is welfare already reformed.

If there were fewer among us who were in need—if the cost of home energy use were declining—if winters were warmer—if summers were cooler—if the old, the disabled, the needy children were less vulnerable—if all of those who need this program had been helped and now no longer needed it, then perhaps this cut could be justified. None of these things is the case.

From a high of over \$2.1 billion in 1985 LIHEAP funding has dwindled to less than \$1.5 billion last year, and yet:

More Americans live below the poverty line now than at any time since the early sixties.

LIHEAP recipients are among the poorest Americans. Last year over two-thirds of recipients had incomes below \$8,000.

The cost of residential energy use has increased steadily and is projected by the Department of Energy to continue to increase. In 1973, the average price for home energy was \$7.88/mmbtu. In 1979, it was \$11.46. In 1992, it was \$12.33.

Last year this program reached only 23 percent of those who were eligible.

As a result of previous cuts in the program fewer and fewer recipients are receiving smaller and smaller benefits. In 1985, 6.8 million households received an average benefit of \$242. In 1993, 5.2 million households received an average benefit of \$215.

The need for this program is greater now than it has ever been.

To those who would say that we can decrease the need for the program by concentrating resources on such approaches as weatherization, efficiency improvements and energy education, I would say, "I agree." But those are long-range strategies and may not be of much comfort in the face of the pressing need of people who are having to make choices between food or heat. In fact, I am afraid that the funding cut in the administration budget would have the opposite effect from that intended.

If States are forced to make choices between direct assistance needs and more long-range program elements like weatherization, I am afraid they will be forced to eliminate the long-range programs.

The cut envisioned in the budget also has the perverse effect of reducing the amount of money available for weatherization. The Weatherization Assistance Program is given an increase in the DOE budget request of about \$30 million. About 10 percent of LIHEAP funding goes to weatherization, the cut from \$1.475 billion to \$730 million would result in a cut in weatherization funding that is at least \$40 million greater than the increase

in the direct budget for the Weatherization Assistance Program.

Some would say that we can cut this program and make special allocations in the event of an emergency. This would fundamentally alter the nature of this program. LIHEAP is not a heating assistance program but it does more—it is a home energy assistance program.

Loss of electric service to a rural low-income household often means loss of water, since many rural people pump water from wells with electricity. This loss of water and the basic sanitation that goes with it is just as much an emergency as a cold wave. Loss of refrigeration in hot weather is a health emergency.

A contingency fund for emergencies is a good idea, but it must not come at the cost of the basic program. Congress should help people in emergencies, but for the people dependent on this program, the emergency is current, pressing, and daily.

I support the efforts to redirect the program and make it more effective which are contained in H.R. 4250:

Targeting benefits towards those with higher energy burden;

Conforming weatherization regulations to DOE weatherization rules;

Creation of a permanent contingency fund;

Creating a separate account for leveraging funds;

I urge you to support this program by voting for this bill and by working to assure that sufficient funds are appropriate for LIHEAP.

I wish to thank the gentleman from California, Mr. MARTINEZ. He, along with the chairman of the Education and Labor Committee, Mr. FORD, and the ranking minority members of both the full committee, Mr. WILLIAM GOODLING and the subcommittee, Ms. SUSAN MOLINARI have made the development of this bill a pleasure. I would extend the same thanks to the chairman of the Energy and Commerce Committee, Mr. DINGELL, and the ranking member, Mr. MOORHEAD, as well as the ranking member of the Energy and Power Subcommittee, Mr. BILIRAKIS, where we have joint jurisdiction over the Low Income Home Energy Assistance Program, which is authorized as title III of this bill.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], another member of the committee.

Mr. GUNDERSON. Mr. Speaker, I commend the chairman of the House Education and Labor Committee and the chairman of the Subcommittee on Human Resources, in addition to Mr. GOODLING and Ms. MOLINARI in bringing a bill to the floor that greatly enhances the Head Start Program and will enable both urban and rural areas to participate in various community service programs.

This Congress, more so than any other Congress in recent history, will be remembered for its education agenda. The passage of the Head Start bill is another symbol of the commitment that the Education Committees in both Chambers and the full Congress have demonstrated toward revitalizing our

education system. Last year, Mr. GOODLING sponsored and I cosponsored the Head Start Quality Improvement Act. Many of the concepts included in that legislation, such as the general performance measures for all Head Start grantees, have been included in the bill before us today. The 1994 Head Start legislation also includes an important initiative for infants and toddlers and incorporates the reauthorization of the Comprehensive Child Development Centers [CCDC] Act. Western Wisconsin has been one of the pilot projects established under CCDC. The Wisconsin program, known as Full Circle, is run through the West Cap Community Action Agency in Glenwood City. The Full Circle project has provided child and family support services to many families in the northern part of my district. Earlier this year, a young woman, a single mother, who participated in Full Circle stopped by my office and with tears in her eyes said how she was pursuing a postsecondary education at night while her daughter was being cared for through services provided by Full Circle.

A key program authorized through the Community Services Block Grant is National Youth Sports [NYSP]. This initiative has been very effective in western Wisconsin. Both the University of Wisconsin-La Crosse and the University of Wisconsin-Eau Claire participate in NYSP. Last summer, UW-La Crosse and UW-Eau Claire had over 800 NYSP participants. It is especially interesting to note for 1993, UW-Eau Claire had originally projected that 320 young people would participate in the summer program. However, the actual number was 562.

The last few summers, I have attended the National Youth Sports Programs at UW-La Crosse and UW-Eau Claire. NYSP exposes young people, who come from economically disadvantaged backgrounds, to the atmosphere of a college campus by not only organizing comprehensive sports activities, but also including education programs, preventive health initiatives including free medical examinations. Although President Clinton's CSBG proposal did not include NYSP, the House has understood the importance of this initiative and has included it as part of the 1994 reauthorization.

I urge my colleagues to enthusiastically support the reauthorization of Head Start and CSBG.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK], a member of the committee.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong support of H.R. 4250 which reauthorizes three very important programs to address the needs of the disadvantaged and low-income in our communities—the Low Income Housing Energy Assistance Program, the Community Services Block Grant, and Head Start.

There are few of us remaining in the Congress who remember the origins of these programs. For me, that day almost 30 years ago when we first passed Head Start as part of Lyndon Johnson's War on Poverty is still one of the most significant of my legislative career. With the establishment of Head Start we had finally recognized that a long-term, early intervention program was the best way to give children in poverty a fighting chance.

Over 13 million children and their families all across the country have benefited from Head Start. For parents it meant their child would receive at least one hot meal a day, reassurance that their child was being taken care for at least a half-day while they were at work, for children it meant a chance to actually graduate from high school, or go on to post-secondary education, to stay out of a special education class, or advance to the next grade level.

The legacy of Head Start lives on today as one of the most successful early childhood education programs in the country, providing education, health, and social services for needy children and their families.

Both the Congress and the administration have recognized the success of Head Start and with strong bipartisan support we have been able to significantly increase the program over the last decade.

The \$4 billion proposed in the President's budget signifies a four-fold increase in the program since 1985. It is estimated that at this level 840,000 children will be served, an increase of almost 170,000 participants over 1993 levels.

Even with these increases, however, the current program still only serves about 30 percent of the eligible 3- and 4-year-old children in our Nation, and most programs provide services only for a half-day during the school year.

According to a 1991-92 study only 6.5 percent of Head Start children were served for 8 hours a day. Of these children, half were served fewer than 36 weeks per year. And fewer than 1 percent of children in Head Start programs are served in programs operating both 8 hours or more per day and more than 48 weeks per year.

Mr. Speaker, H.R. 4250 includes an amendment I authored to encourage communities to consider the option of full-day, full-year services and which requires the Department of Health and Human Services to complete a study to assess the need of full-day, year-round Head Start services in low-income communities.

In a survey conducted by the National Head Start Association, parents most often listed the need for extended hours and day of operation as an area that needed improvement. And research has shown that unemployed parents would more readily seek work if they had access to programs such as full-day, full-year Head Start.

Particularly in light of this administration's commitment to helping families on welfare move into the work force and toward self-sufficiency it is particularly important that we move toward the expansion of Head Start to a full-day, full-year program.

As we move forward into the 21st century Head Start must change as the needs of children and families in poverty have changed dramatically. Just yesterday the headlines in the papers stated that 4 million children in our Nation live in poverty—that is one out of every four children in the United States growing up in areas where drugs, violence, and unemployment are more prevalent than safe schools, high school diplomas, and good jobs.

H.R. 4250 seeks to provide the leadership and direction that will help Head Start rise to meet the challenges facing families in poverty and appropriately deal with the large expansion of the program proposed by the Clinton administration.

In addition to increased emphasis on full-day, full-year programs, H.R. 4250 establishes a new program to serve children up to 3 years old, creates a new fellowship program to improve employment opportunities in Head Start, and continues emphasis on quality improvement.

Mr. Speaker, I ask my colleagues to vote for H.R. 4250 and the future of our Nation's children.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], another member of the committee.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

I object to this bill being brought out here on the Suspension Calendar. I intend to call for a vote.

The reason I object, Mr. Speaker, is this bill has the language "such sums as are necessary."

Mr. Speaker, that is the magic language of entitlement spending. That is the language that puts the budget of the people of this country and their government on automatic pilot. There is no way that we should allow the reauthorization or authorization of any program that includes that language without a vote by the Members of Congress. I intend to have that vote.

That is not to mention, Mr. Speaker, that even though the goals of Head Start are laudable and goals I myself can enthusiastically endorse, the frank fact of the matter is, there is scant little evidence that Head Start has worked in the lives of children. And that little evidence we have we obtained only from people who directly benefit by running the program.

We find ourselves time and time again, Mr. Speaker, leading with our heart and leaving our brains out of the matter. The fact of the matter is, Congress has an open hostility to science

and knowledge and has a compassionate acceptance of folklore, especially the folklore of big government.

For these reasons, I need to inform the body that I oppose the bill. I oppose the bill. I oppose bringing it out here in this manner, and I will have a vote. And, of course, I am fully aware of the fact that the vast majority of this body will make themselves feel good and bleed their hearts once again with the American people's money, even though they have no evidence they do any good.

□ 1330

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I am pleased to rise in support of H.R. 4250. The programs included in this bill provide critical support to a broad range of Americans. In an era when we are attempting to wage war on such pressing problems as substance abuse, poverty, teen pregnancy, and violence, these funds are truly the smartest weapons at our disposal.

The expansion of Head Start, for example, will serve greater numbers of infants and toddlers, and will help young mothers who need quality day care in order to join the work force.

Similarly, the Community Service Block Grant will expand the capabilities of the Community Action Agencies. Mr. Speaker, there are several excellent Community Action Agencies in my district in Virginia, all of which enjoy broad-based community support because of their effectiveness. These agencies play a vital role addressing emergencies and other needs which traditional human service programs do not have the jurisdiction or the resources to meet.

Community Action Agencies have been proven to be effective laboratories for the creation of innovative and cost-effective programs to meet human needs. Over the years, they have sponsored such programs as the Demonstration Partnership Program, from which the Minority Male Initiative was developed. This program targets the needs of young men to help them steer away from drugs, crime, and hopelessness, and therefore, just like Head Start, addresses the crime problem when it can best be effectively addressed, and that is, before the crime occurs.

Mr. Speaker, I would like to applaud the leadership of the chairman, the gentleman from Michigan [Mr. FORD] and the ranking member, the gentleman from Pennsylvania [Mr. GOODLING], for their bipartisan leadership on this bill, and particularly the gentleman from California [Mr. MARTINEZ] for bringing this important measure to us. This bill has received broad support in committee, and I hope that the Members of the House will continue to support this bill through the appropriations process.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I want to congratulate the chairman of the Subcommittee on Human Resources of the Committee on Education, the gentleman from California [Mr. MARTINEZ] for his rapid movement of this very important bill through the process.

We are reauthorizing a program which is only a tiny part of what it was when it first began under Lyndon Johnson. Lyndon Johnson and the Great Society programs were on target. The program probably, within the Great Society programs, which was most on target was the Community Action Program. The Community Action Program does not exist at the same magnitude as before, not because it was not effective, but because it was killed by racism and killed by mean-spiritedness, people who did not understand that empowering poor people was the best answer to most of our pressing social problems in the inner cities in particular, but also in many rural communities.

The philosophy of the community action programs was to reach out and pull the so-called clients, or the people who were the recipients of the funds, into a process by which they would also help to make the programs go. They also had attachments and liaisons with all of the big programs that did not have community action components, so the regular education program was made to function better, the regular housing programs were made to function better, and it was a great success.

However, it empowered poor people, and therefore, it was smothered, it was wiped out, it was butchered, and we only have a tiny figment of what once existed, but it still continues. Those small community action programs that exist out there now take small amounts of money and they reproduce, they replicate, they do all kinds of things to garner tremendous amounts of additional funds. They bring in far more than we invest in them by linking with private sources, with other public sources, and they do a job that very few other agencies of government have been able to replicate.

Lyndon Johnson was on target. The kinds of things we are doing now with our community banks, our national service program, a number of things that have been initiated by the present administration are really a reinvention of components of the old Community Action Program. I hope that the administration will have a new wisdom and understand that it is replicating what once existed, and our next reauthorization of this program would have the kind of support we need to recognize and expand the Community Action Programs as they should be.

LIHEAP is continued without a cut. It was kind of disappointing and shock-

ing to hear cuts being proposed in a program that provides heat, something very concrete, after the kind of winter we have had. In our big cities we are not the recipients of \$8 billion, similar to what was given to California as a result of the earthquake. We are not the recipients of \$6 billion, similar to what was given to the Midwest flood areas, or the \$6 billion which went to the hurricane area in Florida. Big cities do not get anything.

To cut LIHEAP at a time when the national disaster of ice and snow and prolonged cold existed would have been an outrage. We do not cut LIHEAP in this program, and we look for the support of the Senate and the administration in this respect.

Mr. Speaker, I welcome the opportunity to reauthorize the Community Services Block Grant [CSBG]. As many of you know, this is a program near and dear to my heart. Prior to holding elective office, I was the commissioner of the New York City Community Development Agency.

In 1992, 36.9 million Americans were living below the poverty level, the highest number since 1962. It is pitiful that three decades after President Johnson declared war on poverty, so many Americans continue to suffer in a country of such great wealth.

The CSBG program is the lifeline for many of these Americans living in poverty. While myriad public programs often perform outreach activities in the hope of reaching underserved populations in addition to their larger client bases, the projects which the CSBG program funds focus their attention on underserved populations and thus represent what outreach is all about. They define the standard for outreach by which all other public projects should be measured.

The Community Action Agencies [CAA's] funded by the CSBG program serve the poorest of America's neighborhoods. They stretch their fingers into communities, enabling public and private funds to come together and actually reach the underserved populations for which they were intended.

Moreover, CAA's are perfect vehicles for the items on President Clinton's agenda which are aimed at improving communities and fostering grassroots development. A CAA is one of the best places to work for a young adult who is part of the new National and Community Service Corps. A CAA is most capable of operating a Community Development Bank that is truly dedicated to community development. And a CAA can implement crime prevention programs and provide drug treatment services in a way that only an organization with a deep understanding of its community can.

The Head Start Program serves over 700,000 low-income children between the ages of 3 and 4. It helps the most disadvantaged children acquire critical developmental skills which are necessary for their success in public school. The program also emphasizes enhancing parental skills, and strengthening the family unit. By building the self-esteem of the children and the nurturing skills of the parents, Head Start gives disadvantaged families the opportunity to escape from the harsh realities of a world of poverty filled with drugs and

violence. Today, we are not just reauthorizing a community-based program; we are reaffirming our commitment to ensuring that poor children have the necessary skills to succeed in school and life.

CSBG funds are used to prevent homelessness, provide nutrition and emergency services, and through the National Youth Sports Program, help to reduce the numbers of inner-city youth from joining violent gangs in urban communities. As the only Federal program that is specifically mandated to provide a range of services and activities that give low-income people a hand up from poverty instead of a hand out, the CSBG program empowers low-income people.

LIHEAP is another program which serves the most vulnerable of our populations—the elderly, working-poor families, and individuals with disabilities. Almost 6 million households receive assistance under this program. But the numbers of families assisted under this program are not important; what's important is that LIHEAP prevents poor families from freezing to death, being evicted, or in the winter months choosing between heat and food. That's why I was shocked to learn that the President intended to cut the program by almost 50 percent. Low-income families simply cannot afford to bear the burden of these types of budget cuts.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY], sponsor of the House Concurrent Resolution 202, a sense of Congress that we should continue LIHEAP at the same level and not cut it.

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

Mr. Speaker, I rise today as a strong supporter of H.R. 4250. I applaud this committee for the full funding of the Low Income Home Energy Assistance Program, better known as LIHEAP. I know that our former colleague, Silvio Conte, is at the Pearly Gates in his green blazer, smiling down at us today for this bill, for he was a champion of the LIHEAP program.

I am particularly pleased that this legislation incorporates the language from House Concurrent Resolution 202, introduced by myself and the gentleman from Massachusetts [Mr. MARKEY].

I would like to take this opportunity to thank the committee for including this provision, which would, among other things, express the sense of Congress that the fiscal year 1995 appropriations made for LIHEAP will be expended, and that expenditures in fiscal year 1996 for LIHEAP should ensure the same or a better level of services.

For many of our citizens in this country, this past winter has been the worst in living memory for the disabled, the elderly, the poor, and all those others who depend on LIHEAP have been a struggle to maintain dignity, and for many, a battle to stay alive.

LIHEAP serves a critical purpose. It helps prevent the poorest of the poor in

the United States of America from freezing to death. From the earliest days of our colony, we gathered together, we pooled our resources, to ensure that all had heat. In fiscal year 1992, the average payment to the 6.2 million households receiving LIHEAP was only \$190, not a lot for this country. It is worthy of remembering that the majority of LIHEAP recipients have annual family incomes of under \$7,000, and devote 65 percent of their income to rent and utilities.

It is true we must deal with an enormous budget deficit that requires spending restraint, but we surely can find a better approach than by forcing people to choose between feeding their children and keeping their homes warm. The recent cold weather conditions have had unintended effects of demonstrating how important LIHEAP is to the American public.

I recently received a letter from a constituent, Mr. Everett Carlisle, of Providence, RI. He writes,

The home energy assistance is very important to me and all other senior citizens who are on low fixed incomes of a few hundred dollars a month. We are living below the poverty level. We must have full funding of LIHEAP or we will be unable to maintain our current lifestyle.

I applaud this committee and urge all to vote for its passage.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON], our chief deputy whip.

Mr. RICHARDSON. Mr. Speaker, first of all I want to congratulate the chairman for this outstanding bill. Truly, sometimes we come to this floor and mince words about legislation. This is good legislation, and everyone agrees it is good. It is bipartisan, and in that connection, the gentleman from Pennsylvania [Mr. GOODLING] and some of the Republicans have done equally as well in supporting and making this program even better.

Besides it being strongly bipartisan, I would like to state that in this bill there are some very good initiatives that tighten some of the procedures, the technical procedures, for Head Start. Oversight in all the technical programs is strengthened. In particular, native American programs, in my judgment, are dramatically improved.

If we look at the specifics of this bill, we now have the ability for native Americans to purchase facilities for themselves. It serves not just native Americans on the reservation, but off the reservation. It deals with some of the upper income children.

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It deals with native American children that perhaps were able to get out of the program because of some over-income statistic but in reality because of the needs on the reservation, this program covers it.

Mr. Speaker, local control is very important. Local boards control a lot of

these programs. This is a Community Service Block Grant Program. For instance, there can be assistance to a family to get some of the funds for the Low Income Home Energy Assistance Program; food stamps locally determined.

This program, Mr. Speaker, Head Start, it works. The program over the years has proven continually to underscore the values of family, of hard work, and education as well as a vision of government which creates opportunity for its children and communities. Low income children and families today face enormous challenges. They are struggling to survive in neighborhoods plagued by violence, drugs, alcoholism, and lack of opportunity. Since we have reauthorized this bill, the number of children unfortunately living in poverty has increased drastically. So should our commitment to help some of these Head Start programs.

Once again, Mr. Speaker, I applaud the committee on their efforts to be particularly sensitive to this very outstanding program that works, that has broad support, that has now been improved even more. We are making an investment in young people, in children, and in our communities by immediately reauthorizing this bill, by immediately reauthorizing the Head Start, Low Income Home Energy Assistance Program and the Community Service Block Grant Program, all three very good bipartisan programs.

Mr. Speaker, again I commend the chairman and I commend the minority for their outstanding work.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4250, Head Start, community services block grants, and Low-Income Home Energy Assistance Program reauthorizations. I would like to commend the gentleman from California [Mr. MARTINEZ] for introducing this important measure and the gentleman from Pennsylvania [Mr. GOODLING], the committee's distinguished ranking member and the gentleman from Rhode Island [Mr. MACHTELY] for their support.

H.R. 4250 expands parental involvement, extends Head Start services to families with infants and toddlers, reserves funds for teachers' salaries and facility upgrades, and requires Department of Health and Human Services [HHS] to consider a grant recipient's past performance when allocating funds.

This important measure reauthorizes Head Start, the Community Service Block Grants Program, and the Low-Income Home Energy Assistance Program for 4 years. More specifically, the bill authorizes \$525 million for Head Start, \$525 million for the Community Services Block Grants Program, and \$2

million for the Low-Income Home Energy Assistance Program for fiscal year 1995.

More specifically, this measure enhances parental involvement and directs centers to offer family literacy services, parental skills training, and substance abuse counseling, emphasizes coordination with other programs and elementary schools, and consolidates and expands two small Federal programs for families with infants and toddlers, allowing these families to participate in Head Start.

Moreover, H.R. 4250, authorizes \$30 million to supplement the Existing Family Resources Centers Program which helps States provide funding to local centers that offer a flexible and coordinated array of services and information to support families in need of parent training, temporary child care, and information about other available services.

Mr. Speaker, our Nation's children are our most precious resource. Head Start has enjoyed bipartisan support since its inception.

Accordingly, I urge my colleagues to continue to support Head Start and these other important programs by voting in favor of H.R. 4250.

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

Mr. GOODLING. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I just want to rise to take full blame, or full credit, for the words "such sums." Had I come to the floor of the House with this legislation with what was proposed, I am sure I would have been run out, in fact I would not have even come with it myself, because what was proposed was to move from an appropriation of \$3.3 billion to an authorization of \$7.7 billion. I will now allow the Committee on Appropriations to make that decision, realizing that they will use very good judgment and will not get us near \$7.7 billion this particular year.

Mr. Speaker, if we are looking for a good CSBG program and we want to see one that operates very, very well in a community, I invite my colleagues to come to York, PA.

Mr. Speaker, in closing, I would merely say to all Head Start programs throughout this country, the theme is "excellence, quality or stop." And I want to make sure they understand that. It is no longer a case of you can keep your grant forever, no matter how well or how poorly you do. You will keep your grant if you do well, if you improve the quality of the program, because it is children that we are trying to help and their parents and in order to do that, we must insist on excellence.

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

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

Mr. Speaker, in closing, I would just like to make something very clear. My

substitute language supports the administration's proposal in making local agencies more effective, better representative of the community to be served and more accountable to the States and the Federal Government. The substitute language strongly supports the administration's intentions to increase funding for training and technical assistance to CSBG recipient agencies and organizations. In addition, my language ensures public comment on a State's proposed changes to its CSBG plan as well as requiring States to certify that funds are being used in accordance with the act at both the State and local levels. Finally, the substitute language also reflects my opposition to the administration's proposed \$100 million reduction in authorization by setting an authorization at \$525 million, a slight increase from the current level of \$500 million.

Mr. Speaker, my substitute language also supports in concept the administration's proposal for the consolidation of the current discretionary programs into a single program. Rather than create a separate authorization for the CIP, I would retain the current set-aside language. At the request of Mr. FORD, migrant workers, and the gentleman from Kentucky, Mr. BAESLER, rural communities, the substitute language does ensure that some current CSBG discretionary activities would be eligible to compete for CIP funds.

My amendment would also place less restrictions on the community development activities with the community initiative program recognizing that only local communities can prescribe the type of community development each community needs.

Mr. Speaker, I urge an "aye" vote.

Mr. FORD of Michigan. Mr. Speaker, 29 years ago, within the first few months of my first term as a Member of Congress, President Lyndon Johnson spoke these words at a Rose Garden ceremony announcing Project Head Start:

Today we are able to announce that we will have open, and we believe operating this summer, coast-to-coast, some 2,000 child development centers serving as many as possibly a half million children.

This means that nearly half the preschool children of poverty will get a head start on their future. These children will receive preschool training to prepare them for regular school in September. They will get medical and dental attention that they badly need, and parents will receive counseling on improving the home environment.

This is a most remarkable accomplishment and it has been done in a very short time. It would not be possible except for the willing and the enthusiastic cooperation of Americans throughout the country.

Five and six year old children are inheritors of poverty's curse and not its creators. Unless we act these children will pass it on to the next generation, like a family birthmark.

Project Head Start was a nationwide effort launched in the summer of 1965 to assist preschool children from poor families to enter kin-

dergarten or first grade. The project offered health services, social services, and educational services. Local Head Start programs were run by colleges, schools, local government, or private nonprofit organizations.

The original Head Start Summer Program enrolled more than five times as many children—561,359—than the Office of Economic Opportunity had originally anticipated, and the program became one of the most popular anti-poverty measures with the Congress.

In the 29 years since its inception, Head Start has provided hope and support to more than 13 million low-income families. It has become our country's premier child care model, offering health, nutrition, education, mental and social services to poor children and their families in each and every county in the Nation. It has grown from a \$350 million summer initiative to a year-round program funded at \$3.3 billion serving approximately 750,000 children and their families. The wisdom in which Head Start was conceived enables this program to endure. It continues to enjoy broad bipartisan support and is just as viable today as it was some 30 years ago.

Yet, the world of Head Start today is drastically different than it was 30 years ago. Children are faced with challenges and influences which affect their development at an earlier age. Families suffering from homelessness, substance abuse, unemployment, and lack of education and training hold little promise for children born into poverty through no fault of their own.

Head Start today, as it was 30 years ago, is a beacon of hope for children in poverty and their families. Community-based, community-governed, community- and family-responsive Head Start programs afford comprehensive services to children and their low-income families in the place of futility.

H.R. 4250, the measure before us today, builds upon the successes of Head Start, responds to its critics, and extends the Head Start Program for another 4 years. The bill incorporates improvements to respond to the changing needs of children and their families as recommended by Secretary Shalala's Advisory Committee on Head Start Quality and Expansion. I would like to highlight several of these improvements.

For the first time, Head Start programs will be required to coordinate with local schools. The provisions complement similar language incorporated into H.R. 6, a bill to reauthorize the Elementary and Secondary Education Act programs, approved by the House of Representatives on March 24. This change is intended to encourage greater communication between Head Start programs and schools on behalf of the children and families they serve, and to help minimize disruptive breaks in the continuity of services which can threaten political gains made by children and their families.

The bill retains the 1990 statutory requirement that 25 percent of all Head Start funds be used to improve the quality of existing programs, such as ensuring sufficient staffing and ensuring adequate compensation of Head Start staff. I would like to note that this set-aside is a floor, not a ceiling. If the Secretary determines additional funds are needed to improve the quality of programs, she may designate more than 25 percent for this activity.

Child care workers remain one of the lowest paid professions in our Nation's workforce. Most child care workers, including Head Start workers, must support themselves and their families on meager wages, with no health or retirement benefits. Head Start should begin to set the tone for the Nation on the pay and benefits of child care workers.

The legislation establishes a new initiative to extend Head Start type services to children from birth to 3 and their families. Beginning in fiscal year 1995, 3 percent will be set-aside for this initiative, with 5 percent set-aside by 1998. This initiative responds to the alarming needs of poor families with very young children. In 1990, 53 percent of mothers returned to work within 1 year of a child's birth, compared with under 20 percent when Head Start was first conceived. Of the 12 million children under age 3 today, more than 5 million are in the care of other adults while their parents work. Moreover, 25 percent of children aged 0 through 3 live in poverty. For families living in poverty, the lack of prenatal and child health care, human services and social support exaggerates the array of difficulties faced by many millions of families with inadequate child care. We know from numerous studies that the earlier a child is reached with comprehensive support the greater prospect that child has of flourishing in later life.

The measure under consideration does more than reauthorize Head Start—it also renews our commitment to a number of worthy programs addressing the needs of individuals living in poverty.

H.R. 4250 reauthorizes the Community Services Block Grant Act through fiscal year 1998. Since its creation in 1981 as a continuation of work begun in the Office of Economic Opportunity, CSBG funds have been used to leverage other resources to operate programs addressing the problems caused by poverty and providing advocacy services for the poor.

H.R. 4250 also continues through fiscal year 1999, the Low-Income Home Energy Assistance Program [LIHEAP]—an initiative of particular importance to low-income individuals who find their lives threatened by harsh weather. Recent budget cuts have caused a fall-off in the number of households served to the point where today only one-quarter of the eligible households are able to participate in the program. The action we take today is intended to sustain the program and provide a suitable response to critical life-threatening situations which have far too often resulted in injury or death.

H.R. 4250 represents a significant effort to maintain bipartisan support for social service programs which answer critical needs of American families and communities. We have come a long way from the day in 1966 when the House of Representatives first voted to specifically set aside funding for Head Start as part of the Economic Opportunity Act. On that day, only 15 out of 120 of our Republican colleagues joined us in support of the effort.

I am pleased to see this bipartisan effort today. However, I suggest that we will achieve little if we back away from our responsibilities just to find the easiest and most politically expedient way out. I would have preferred a much stronger bill and I know many of my colleagues share that view.

I pledge to do what I can as we enter into conference with our Senate colleagues to see that this effort provides a lasting legacy for Congresses and administrations to come. As but one example, I support efforts to provide Head Start programs with the ability to construct their own facilities while at the same time guaranteeing a decent wage to those involved in the construction effort.

I congratulate Chairman MARTINEZ on his good work and look forward to working with him as well as Mr. GOODLING and Ms. MOLINARI in forging the strongest possible conference agreement on these important human services programs and creating a 21st century Head Start.

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 4250, a bill to reauthorize Head Start, low-income home energy assistance, and community services block grants.

I would like to commend Chairman FORD and Chairman MARTINEZ as well as Mr. GOODLING and Ms. MOLINARI for their work on this bill.

In reauthorizing Head Start, the bill proposes a series of measures that will further strengthen Head Start's quality and effectiveness.

Head Start is a wonderful program, one that has been near my heart for years.

As a former teacher and past chairman of the subcommittee with jurisdiction over Head Start, I believe it is especially important to help children build on the gains they make in Head Start as they proceed through their academic careers.

Mrs. UNSOELD and I added provisions to the elementary and secondary education authorization to ensure that Head Start students experience a smooth transition to elementary school.

H.R. 4250 includes language I proposed to help align the transition programs in both schools and Head Start agencies so that we can create a seamless system of support for our youngest students.

Mr. Speaker, the bill also extends activities authorized under the Low-Income Home Energy Assistance Program [LIHEAP] and the Community Services Block Grant Program.

LIHEAP provides critical services to poor individuals to help them pay energy bills.

Assistance provided under this Act often eliminates the need for low-income individuals to choose between heating and eating.

The community services block grant provides critical services designed to address needs at the local level.

Once again, the Education and Labor Committee has crafted a strong Head Start, LIHEAP, and CSBG reauthorization. H.R. 4250 is an excellent bill to provide services where they are needed most—to the child, in the home, and in the community.

I am pleased to be a cosponsor of this bill and I urge Members to support the legislation.

Ms. SNOWE. Mr. Speaker, I rise today in support of H.R. 4250, a bill to reauthorize the Low-Income Home Energy Assistance Program [LIHEAP] and the Head Start Program.

For the poor in the north, heat is no less essential than food, clothing, and shelter. Without sufficient funds to pay for heating in the winter, poor families will either freeze or divert scarce funds from food or other subsistence

needs to pay for heat. As a result of these terrible dilemmas, less fortunate citizens in cold States like Maine view the approaching winter every year with tremendous anxiety.

LIHEAP was originally established to help alleviate these fears and provide a partial measure of security for low-income families in the winter. Unfortunately, due to repeated cuts, the funding level for LIHEAP since the 1980's has not reflected the real human need for the program.

In fiscal year 1985, LIHEAP received an appropriation of \$2.1 billion, but funding for the program steadily declined to \$1.35 billion in fiscal year 1993 in unadjusted dollars. If funding for LIHEAP had remained constant since fiscal year 1985 in dollars adjusted for inflation, today's appropriation would have to be about \$2.7 billion—far higher than the \$1.4 billion actually approved for the fiscal year 1994 heating season.

Perhaps most disturbing about these cuts is the fact that LIHEAP could hardly be called an unnecessary or wasteful program. LIHEAP covers less than 25 percent of the average low-income recipient's residential energy bill. And millions of low-income families get no assistance at all despite meeting the eligibility requirements.

H.R. 4250 seeks to strengthen LIHEAP at a time when it is still wobbling from 8 years of gratuitous cuts. It authorizes \$2 billion for the program in fiscal year 1995. Permanent authority in the bill for the President to spend up to \$600 million in emergency situations will help the Federal Government respond to severe winters, like the one this year, or energy price spikes, and H.R. 4250 wisely expresses the sense of the Congress that LIHEAP expenditures for fiscal year 1996 should at least equal the fiscal year 1995 appropriation.

H.R. 4250 is also an important bill because of its emphasis on the welfare of children, not only through LIHEAP, but through the Head Start Program as well. Head Start has enjoyed bipartisan support since its inception in 1965. While the challenges facing those living in poverty have become more complex, the program has grown and developed to meet these pressing needs.

Head Start has proven to be one of the most successful preschool and family support programs. More than 13 million children and their families have benefited from the health, education, and social services provided through Head Start.

I support the extension and expansion of Head Start in H.R. 4250. The bill has incorporated the recommendations of the Advisory Committee on Head Start Quality and Expansion that reviewed the Head Start Program. Funds will continue to be set aside for quality improvement activities and grantees must maintain minimum levels of quality. The Health and Human Services Department will create a process to identify underperforming grantees and develop a plan to improve their performance.

Addressing the findings of the recent Carnegie Corp. report on meeting the needs of the Nation's youngest children, this bill creates a new family centered grant program within Head Start to provide low-income families with very young children, from birth to 3 years, the services and support they need to promote

healthy development of their children, to help parents fulfill their roles as parents, and to move toward self-sufficiency. It will consolidate programs for infants and toddlers and authorize 3 percent of the total funds for fiscal 1995 for this age group, gradually rising to 5 percent in fiscal 1998.

The bill also requires Head Start to make efforts to coordinate with local education agencies and elementary schools to enable children to maintain the developmental gains achieved in Head Start.

Mr. Speaker, LIHEAP, Head Start, and the people served by these programs need H.R. 4250, and I urge my colleagues to join me in supporting the bill.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the portion of this legislation that would reauthorize the Low Income Home Energy Assistance Program. LIHEAP authorizes funding for State-run programs that provide vital emergency assistance for low-income persons who need help paying their heating and cooling bills.

Although the Energy and Commerce Committee did not mark up the LIHEAP provisions of this bill, the committee retains jurisdiction and will represent its interests at a conference, should the bill be approved by this body.

As the ranking minority member of the Energy and Power Subcommittee of the Energy and Commerce Committee, I would like to express some concerns regarding the LIHEAP reauthorization language in this bill that I would like to see addressed in conference.

First, I have questions about the role of the Secretary of Health and Human Services in the administration of LIHEAP Programs at the State level. One basic principle behind all block grant programs, such as LIHEAP, is that the States should have the maximum amount of discretion to administer these programs in ways that make sense in each locality. We have seen that many States have used this flexibility to create innovative programs that use the limited amount of LIHEAP funds in the most efficient and creative manner.

Although the Education and Labor Committee eliminated a provision proposed by the administration that would have given the Federal bureaucracy the authority to micromanage the States administration of LIHEAP, such a provision is still in the Senate version of the legislation. In Conference, we will work to ensure that this provision is not in the final bill.

Second, the version of the bill before us contains a provision that requires HHS to set goals for the State programs and issue a report on their performance. HHS already has the authority to set goals for LIHEAP Programs and evaluate them in relation to those goals if it so chooses. However, I strongly object to provisions that would mandate the use of limited LIHEAP funds for the expansion of the Federal bureaucracy rather than keeping on the heat and air conditioning of low-income people.

In conclusion, we plan to fully participate in the Conference on LIHEAP to eliminate all provisions that would only serve to increase Federal bureaucratic interference and limit the flexibility of State authorities to direct LIHEAP funds to where they are most needed.

Thank you, Mr. Speaker.

Mr. CUNNINGHAM. Mr. Speaker, as an original cosponsor of the Head Start Quality

Improvement Act—H.R. 1528—introduced by Mr. GOODLING, I am very happy to see many of those recommendations encompassed into this Head Start reauthorization.

I am pleased to see an increase in the recognition of the crucial role parents play in the educational development of their children.

This bill requires programs to actively seek parental participation, and while I would like to see even stronger language regarding parental involvement in Head Start programs, I think the language addressing family literacy and parental skills training takes the right direction. It is important to recognize and establish parents as their children's primary teacher.

As you know, raising the quality of all Head Start Programs throughout the country has long been a concern, and I am pleased to see strengthened program accountability for providing high quality services included in this reauthorization.

The key to a successful Head Start Program is ensuring quality over quantity. We should serve as many eligible children as possible with the highest quality services possible, instead of just striving to serve all eligible children with mediocre or poor services. The quality program improvement provisions will help ensure that quality services will be consistently provided by all Head Start Programs.

This Human Services Act reauthorization is the result of bipartisan negotiations and although I am not supportive of every single element of this bill, I am pleased with the inclusion of many key aspects that enhance the programs. I hope that this bipartisan teamwork will continue and we will see additional improvements in conference.

Ms. MOLINARI. Mr. Speaker, I am glad to be here today to consider, and to have taken part in the development of legislation to authorize the Human Service Act—H.R. 4250—which includes Head Start, LIHEAP, the Community Services Block Grant and several other programs.

As many of you know, Head Start is approaching its 30th anniversary. This program clearly has an impressive history, but it also has a new set of challenges for the future. One of those challenges is to address, in response to recent reports, the disparities in the quality of services provided by Head Start programs and to eliminate the fade-out effect in children once they leave Head Start.

We have aggressively confronted these problems in this bill by including measures to assure greater and more consistent quality, putting poor-performing programs on notice that the status-quo is over and enhancing services to better help parents become full partners in the education of their children. I am pleased to say that these are all ideas that were originally presented in Republican legislation, which I helped to write with Mr. GOODLING and Senator KASSEBAUM.

I am also encouraged to see a renewal for the LIHEAP Program in this legislation. The LIHEAP Program is important to the whole country, especially to the colder States. My State of New York is the largest recipient of LIHEAP funds and would be one of the hardest hit areas by the proposed budget cuts. This renewal of LIHEAP funds sends a strong bipartisan message to the administration about the importance of this program for the whole

country and the Congressional desire to maintain the program at its current levels—instead of cutting it in half, as the administration has proposed.

I am also pleased that the CSBG reauthorization includes the renewal of the McKinney Homeless Community Services Program, which the administration had proposed to eliminate. Elimination of this program would have been devastating to New York City, which alone receives \$1 million from this important program. The truth is, however, that these measures benefit all areas of our country.

Mr. Speaker, it has been my pleasure to work with Mr. GOODLING, Mr. FORD, and Mr. MARTINEZ to develop this comprehensive bipartisan reauthorization package, and I want to thank them for their leadership on these issues.

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to voice my strong support for the Head Start Program. Considering all that is going wrong in our world today, we can look to Head Start as something that's right and as something that works.

Head Start is an investment in the future of America. The program's comprehensive approach—integrating education, health care, social services, and parental involvement—produces real results that enable children from disadvantaged backgrounds to cope and thrive in school and at home. Head Start provides the tools for long-term success.

In recognition of this and despite a tight budget, President Clinton has proposed to increase funding to Head Start in the 1995 budget. He has proposed that Head Start receive \$4 billion in fiscal year 1995, a \$700 million increase over fiscal year 1994. I support this portion of the President's budget without reservation.

Today, the House will consider the reauthorization of Head Start and other antipoverty programs. The Head Start provisions in the reauthorization bill, H.R. 4250, would mandate continuous improvement of an already good program. The bill would make important changes in Head Start to ensure that these programs are both effective and relevant to today's families.

Especially important are the set-aside provisions in the bill for infants and toddlers. As the father of a 18-month-old son, with another child due in a few weeks, I have witnessed how much learning takes place and how habits are formed early in life. I have no doubts about the beneficial impact that early childhood development services can make in the life of every child.

Today's Head Start students are tomorrow's young adults. Let us give them the chance to be strong participants in our communities.

After quite a few tomorrows, all of us here will be dependent on today's youth for the type of society in which we will then live.

Let us make the best of this opportunity to help our children who are currently at risk—by intervening at the beginning of their lives. Let's do it for them, and for us.

Mr. ARMEY. Mr. Speaker, I rise to oppose the reauthorization of the Head Start Program as currently written. No reliable studies exist to show that Head Start has long-term positive effects, while all the available evidence indi-

cates Head Start's effects wear off within a few years. Removing all spending restraint on the program, as this bill would do, seems an intellectually untenable response to this evidence.

The Education & Labor Committee, on which I sit, has moved with undue haste to reauthorize and expand a program of questionable value. The bill would cast aside the current \$8 billion authorization cap and instead authorize "such sums as may be necessary"—legalese for "the sky's the limit." This puts Head Start on the slippery slope to becoming an entitlement, with all the enormous cost problems associated with entitlements.

Head Start's virtually unquestioned positive reputation turns out to be based on exaggerated reports of one study of one 1960's, non-Head Start Program, the Perry Preschool in Ypsilanti, MI. More recent and reliable research suggests Head Start's academic benefits wear off after about 2 years, calling into question the very premise of the program, while its non-academic benefits, meals and vaccinations, duplicate other Federal programs. Thus there would appear to be no need for Head Start. Yet we are greatly expanding it.

A more reasonable policy, it seems to me, is to freeze the authorization at the current level until its value can be scientifically demonstrated. This would still enable Head Start to more than double in size, from the current appropriation of \$3 billion up to the authorized \$8 billion. Restoring such a generous spending cap would not cut a penny from Head Start, but it would help to protect our intellectual, and fiscal, integrity.

Mr. QUINN. Mr. Speaker, I wish to express my strong support for H.R. 4250, Head Start, Community Services Block Grants, and Low-Income Heat Energy Assistance Program Reauthorizations.

The Low-Income Heat Energy Assistance Program [LIHEAP], which is reauthorized in H.R. 4250, is of particular significance to my district in western New York.

LIHEAP provides fuel assistance to disabled, working poor, and low-income senior citizens—an issue of life or death for many.

Mr. Speaker, in the month of January the average temperature in Buffalo was 17.2 degrees—no day saw a temperature above freezing. In addition to the cold, my constituents had to deal with 35.4 inches of snow in that month alone.

The reliance of millions of people on LIHEAP was highlighted this particularly harsh winter with these unprecedented numbers of record low temperatures and snowfalls.

In February, I received many phone calls from panicked constituents, many of them elderly, who were told that the LIHEAP Program was going to be shut down because it had run out of money.

I worked with officials at the White House and with Governor Cuomo to keep the application process for LIHEAP open when the program was in danger of being closed because funds had run out. I helped pass the emergency earthquake funding bill which included \$300 million emergency funding for LIHEAP.

Without these actions, the people of western New York would have literally been left out in the cold.

Mr. Speaker, the threat to the LIHEAP program continues. In its fiscal year 1995 budget request, the administration has recommended cutting the program by 50 percent. That 50 percent would prohibit families and seniors from my district from properly heating their homes. I will certainly work during the appropriations process to ensure that deep cuts are not made in LIHEAP.

I would ask my colleagues to join me in support of H.R. 4250 which authorizes \$2 billion for LIHEAP in fiscal year 1995 and such sums in fiscal year 1997-99. I think most importantly is the sense of Congress language that all fiscal year 1995 appropriations made for LIHEAP be expended, and that expenditures in fiscal year 1996 should ensure the same or better level of services.

Thank you Mr. Speaker, for allowing me this opportunity to speak in favor of continuation of this vital program.

Mr. PETE GEREN of Texas. Mr. Speaker, the National Head Start Association conducted a survey in the fall of 1990 that highlighted a serious problem. Fully one-third of the responding Head Start programs indicated that their facilities were in need of extensive repairs, were substandard, or should be replaced entirely.

The legislation that we have before us today goes a long way toward allowing the affected Head Start agencies the flexibility they need to address their infrastructure problems. More can be done, however. I believe that we should allow Head Start agencies to use funds from this program for the design and construction of the necessary facilities, rather than limiting these agencies to purchasing and renovating older, less suitable buildings at greater cost.

Mr. Speaker, Head Start is a good program that is making a difference in the communities in my district and across the country. Allowing Head Start agencies the flexibility to choose the option that best fits their modernization needs, and budgets, makes fiscal and financial sense. The Senate has provided such flexibility in its version of this legislation, and I would urge my colleagues who will serve on the conference committee to adopt this language.

Mr. KENNEDY. Mr. Speaker, it is a little difficult on a beautiful 85-degree day here in Washington to remember how important the Low Income Home Energy Assistance Program [LIHEAP] is to millions of families across the Nation.

Not very long ago, we were suffering through the longest and coldest winter in many, many years. For tens of thousands of Massachusetts' residents, the LIHEAP Program is the only thing that stands between their families and the bone-chilling cold.

Of the families that get LIHEAP benefits in Massachusetts, 75 percent earn less than \$10,000 per year, and 40 percent of the households are elderly or disabled.

This year, about one-third of Boston recipients ran out of benefits before Christmas; 65 percent were out of benefits by mid-January.

My friends, the winter is not over in Boston in the middle of January.

The debate today is not a theoretical discussion. When their benefits run out, families with children must choose between heat and food.

A Boston Hospital Center study shows the number of malnourished children nearly doubles in the winter because parents know their children can freeze to death overnight—starvation takes longer.

The bill before us today authorizes \$2 billion for this crucial program. This will simply restore LIHEAP to its 1985 funding level.

The problem has not gotten smaller, neither should the funding.

I congratulate Chairman MARTINEZ for bringing this important legislation to the floor. We all know the real fight—the fight for the real dollars—is yet to come.

I look forward to working with him and the many other supporters of LIHEAP in these upcoming battles.

Mr. STOKES. Mr. Speaker, I rise today in strong support of H.R. 4250, legislation to reauthorize the critical Head Start Act, the Low Income Home Energy Assistance Program and the Community Services Block Grant Act. I commend my friend on the Education and Labor Committee, MATTHEW MARTINEZ, for his leadership in bringing this crucial bill to the floor. I urge my fellow Representatives to join with our colleagues in the Senate, who passed a similar measure just last week, by voting in favor of H.R. 4250.

Mr. Speaker, the Head Start Program continues to be the most successful pre-school and family support program in the History of this Nation. Although Head Start was designated as a summer program when originally enacted in 1966 as part of President Johnson's war on poverty, this program has dramatically expanded over the years and now assists children and families on a daily basis all year long. In 1966, Head Start received a budget of just \$352 million and by fiscal year 1994, the appropriation funding level for the program had grown to \$3.3 billion. While this figure supported more than 2,000 locally run Head Start programs and served over 730,000 children and their families during 1994, recent studies by the Advisory Committee on Head Start Quality and Expansion, commissioned by the Secretary of Health and Human Services, Donna Shalala, indicate that Head Start still serves less than 40 percent of all eligible children.

Reauthorizing this pivotal measure will allow more children and parents to enroll in Head Start, furnish these students with the books and supplies they need, offer teachers the compensation they serve, and provide managers with the training and support they require to run strong programs and plan for the future. Head Start has proven that early attention to the needs of children can make a significant difference in their health, educational and social development, and we must continue to authorize this program for these very reasons.

Like Head Start, the Low Income Home Energy Assistance Program [LIHEAP] has played an indispensable role in assisting our Nation's most needy citizens. LIHEAP enables the working poor, the disabled, and the low-income elderly to meet their home energy needs. Since its inception, LIHEAP has proven to be a worthy and important program servicing approximately 375,000 households in my State of Ohio during 1993 alone. By maintaining LIHEAP we will not force our Nation's

most vulnerable citizens into choosing between such basic requirements as heat and food.

The varied needs of America's impoverished are served through Head Start and LIHEAP as well as through the Community Services Block Grant Program [CSBG]. CSBG, which provides funds to community action agencies, local governments and Indian tribes to operate programs addressing the problems of poverty and to provide advocacy services for the poor, has created numerous employment and business opportunities for individuals in economically distressed urban areas as well as small, rural communities. Moreover, this far-reaching initiative extends beyond the economic and business realm by including community and nutrition projects, allowing schools serving low-income communities to enroll in Federal nutrition programs, and the National Youth Sport Program which provides low-income youth with day long athletic instruction during the summer.

Mr. Speaker, ignoring the importance of H.R. 4250 will have a crippling effect on the future of our society. The provisions contained in this important piece of legislation, intended to both strengthen and expand the quality of Head Start, Low Income Home Energy Assistance Program and the Community Services Block Grant Program, are crucial to the livelihood of our Nation's neediest citizens. Without these programs, the quality of life for our poor children and families, and our poor elderly and disabled, will further deteriorate and consequently our country will regress by refusing to assist our most precious resource, our citizens. I urge my colleagues to vote yes on H.R. 4250.

Mrs. KENNELLY. Mr. Speaker, I rise today in support of H.R. 4250, to authorize appropriations for Head Start, the Low Income Home Energy Assistance Program, and the Community Services Block Grant.

I would like to comment just briefly on two programs that have enormous impact in my State. Head Start is one of the most successful Federal programs to date and one I have consistently supported. Last year's appropriation served more than 730,000 children across this country. And while that may seem like a large number, it represents only 40 percent of those children eligible for Head Start.

H.R. 4250 would reauthorize Head Start through fiscal year 1998 and would strengthen and improve the quality of existing programs. In addition, child development services would be expanded. A particular highlight of Head Start is the new Initiative on Families with Infants and Toddlers which would provide family services to low-income families with very young children. Pregnant women and families with children under age 3, who meet the low-income standards under the regular Head Start program, would be eligible to participate in this initiative. Early, continuous, and comprehensive child development services would be provided to participants to ensure linkage to Head Start programs and continuity of future service.

Another important piece of H.R. 4250 is the reauthorization of the Low-Income Home Energy Assistance Program. LIHEAP has been a highly successful program in serving the needs of low-income elderly, disabled, and

working poor in Connecticut and is particularly important in light of the harsh winter the Northeast just experienced. I am pleased that the bill authorizes \$2 billion for fiscal year 1995. This is \$1.27 billion more than the administration's request.

The core purpose of providing heating assistance to low-income households based on total household income has been maintained in this bill. States, within existing eligibility standards, may give priority to households with the highest energy costs or needs in relation to their income. A household may not be excluded from LIHEAP eligibility if its income is less than 110 percent of poverty.

The bill would also make permanent the authorization to appropriate \$600 million each year in emergency funds to meet the needs of residents in States that have suffered natural disasters. Under current law, the process of seeking release of these funds created difficulty in terms of timing for States trying to meet immediate crisis situations. Permanent authorization of emergency funds is a significant step to facilitating better and more timely action.

I am also pleased that the language of House Concurrent Resolution 202 was included in this bill expressing that LIHEAP should be a priority to enable the working poor, the disabled, and the low-income elderly to meet their energy costs and needs.

Mr. Speaker, I urge my colleagues to support H.R. 4250 to preserve services like Head Start and LIHEAP that are vital to thousands of Americans.

Mr. ROEMER. Mr. Speaker, I rise in strong support of the reauthorization of the Head Start Program, the Community Services Block Grant, and the Low Energy Assistance Act.

Head Start Program, which grew out of the War on Poverty, has been recognized as one of the most successful intervention programs for economically disadvantaged preschool children. Almost 30 years ago, when President Lyndon B. Johnson signed this legislation into law, he proclaimed that the educational, health and social services to be provided to half a million poor children that summer would "make certain that poverty's children would not be forevermore poverty's captives."

Over the years, numerous studies have confirmed that the results of this program have been dramatic. In its 1985 study on preschool education, the Committee on Economic Development reported, "It would be hard to imagine that society could find a higher yield for a dollar investment than that found in preschool programs for at-risk children."

However, the program has not been free of criticism. Serious questions have been raised about the quality of the program. In order to address those issues, last year, the Health and Human Services Secretary, Donna Shalala, created a bipartisan Advisory Committee on Head Start Quality and Expansion. The Committee conducted its review of the current program and issued its recommendations for improvement and expansion. I am pleased that the Advisory Committee's recommendations build on the success of the program and continue the setaside for quality improvements such as raising staff salaries and providing training. The new amendments also require the Secretary to establish quality standards in order to monitor the program.

Last year, the inspector general at the Department of Health and Human Services issued a report that found that Head Start grantees' files and records frequently were incomplete, inconsistent, and difficult to review. In order to address this problem, I have incorporated an amendment into the act that would require the Secretary to establish standards that address recordkeeping and file maintenance practices. In addition, I have incorporated amendments that are designed to promote the health of our Nation's children.

I believe that the new legislation responds to the recent Carnegie report entitled, "Meeting the Needs of our Youngest Children" which recommends a comprehensive approach to combating child poverty. Last year, the General Accounting Office issued a report which shows that the number of poor children under age 6 has grown by more than 25 percent during the 1980's. The extension of the Head Start Program to provide services to infants and toddlers from birth to age 3 is designed to help families and their children at the earliest ages. These formative years are critical for the intellectual, physical, social, and emotional development of children.

I also believe that we must pay particular attention to the growing trend of more women entering the work force. As we look to the President's goal of reforming our current welfare system, we must try to respond to the needs of low-income mothers by providing full-working-day, full-year care. Head Start's part-day, part-year services do not meet the needs of mothers or families who are working or enrolled in education or training programs. Additionally, if we are going to successfully reform our current welfare system, responding to the growing trends of more working families and more single mothers is critical.

Finally, I want to say that I was pleased to work with Chairman MARTINEZ and Representative GUNDERSON on a bipartisan basis to include the reauthorization of the National Youth Sports Program [NYSP] in this bill. For more than a quarter of a century, NYSP has served youth aged 10 to 16 who are growing up in economically disadvantaged environments. This program provides sports instruction and a host of other enrichments, such as a daily USDA-approved meal, education and career counseling, math and science instruction, and medical examinations for our underprivileged youth.

Both the Head Start Act and the National Youth Sports Program reaffirm our commitment to invest in our children. I urge my colleagues to support H.R. 4250.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the bill, H.R. 4250, as amended.

The question was taken.

Mr. ARMEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous material, on H.R. 4250, the bill just considered.

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

There was no objection.

PROVIDING FOR CONCURRENCE WITH AMENDMENT TO H.R. 1727, ARSON PREVENTION ACT OF 1994

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 413) providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 1727.

The Clerk read as follows:

H. RES. 413

Resolved, That, upon adoption of this resolution, the bill (H.R. 1727) to establish a program of grants to States for arson research, prevention, and control, and for other purposes, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table, and the same are hereby agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arson Prevention Act of 1994".

SEC. 2. FINDINGS.

Congress finds that—

(1) arson is a serious and costly problem, and is responsible for approximately 25 percent of all fires in the United States;

(2) arson is a leading cause of fire deaths, accounting for approximately 700 deaths annually in the United States, and is the leading cause of property damage due to fire in the United States;

(3) estimates of arson property losses are in the range of \$2,000,000,000 annually, or approximately 1 of every 4 dollars lost to fire;

(4) the incidence of arson in the United States is seriously underreported, in part because of the lack of adequate participation by local jurisdictions in the National Fire Incident Reporting System (NFIRS) and the Uniform Crime Reporting (UCR) program;

(5) there is a need for expanded training programs for arson investigators;

(6) there is a need for improved programs designed to enable volunteer firefighters to detect arson crimes and to preserve evidence vital to the investigation and prosecution of arson cases;

(7) according to the National Fire Protection Association, of all the suspicious and incendiary fires estimated to occur, only 1/3 are confirmed as arson; and

(8) improved training of arson investigators will increase the ability of fire departments to identify suspicious and incendiary fires, and will result in increased and more effective prosecution of arson offenses.

SEC. 3. ARSON PREVENTION GRANTS.

The Federal Fire Protection and Control Act of 1974 is amended by inserting after section 24 (15 U.S.C. 2220) the following new section:

"SEC. 25. ARSON PREVENTION GRANTS.

"(a) DEFINITIONS.—As used in this section:

"(1) ARSON.—The term 'arson' includes all incendiary and suspicious fires.

"(2) OFFICE.—The term 'Office' means the Office of Fire Prevention and Arson Control of the United States Fire Administration.

"(b) GRANTS.—The Administrator, acting through the Office, shall carry out a demonstration program under which not more than 10 grant awards shall be made to States, or consortia of States, for programs relating to arson research, prevention, and control.

"(c) GOALS.—In carrying out this section, the Administrator shall award 2-year grants on a competitive, merit basis to States, or consortia of States, for projects that promote one or more of the following goals:

"(1) To improve the training by States leading to professional certification of arson investigators, in accordance with nationally recognized certification standards.

"(2) To provide resources for the formation of arson task forces or interagency organizational arrangements involving the police and fire departments and other relevant local agencies, such as a State arson bureau and the office of a fire marshal of a State.

"(3) To combat fraud as a cause of arson and to advance research at the State and local levels on the significance and prevention of fraud as a motive for setting fires.

"(4) To provide for the management of arson squads, including—

"(A) training courses for fire departments in arson case management, including standardization of investigative techniques and reporting methodology;

"(B) the preparation of arson unit management guides; and

"(C) the development and dissemination of new public education materials relating to the arson problem.

"(5) To combat civil unrest as a cause of arson and to advance research at the State and local levels on the prevention and control of arson linked to urban disorders.

"(6) To combat juvenile arson, such as juvenile fire-setter counseling programs and similar intervention programs, and to advance research at the State and local levels on the prevention of juvenile arson.

"(7) To combat drug-related arson and to advance research at the State and local levels on the causes and prevention of drug-related arson.

"(8) To combat domestic violence as a cause of arson and to advance research at the State and local levels on the prevention of arson arising from domestic violence.

"(9) To combat arson in rural areas and to improve the capability of firefighters to identify and prevent arson initiated fires in rural areas and public forests.

"(10) To improve the capability of firefighters to identify and combat arson through expanded training programs, including—

"(A) training courses at the State fire academies; and

"(B) innovative courses developed with the Academy and made available to volunteer firefighters through regional delivery methods, including teleconferencing and satellite delivered television programs.

"(d) STRUCTURING OF APPLICATIONS.—The Administrator shall assist grant applicants in structuring their applications so as to ensure that at least one grant is awarded for each goal described in subsection (c).

"(e) STATE QUALIFICATION CRITERIA.—In order to qualify for a grant under this section, a State, or consortium of States, shall provide assurances adequate to the Administrator that the State or consortium—

"(1) will obtain at least 25 percent of the cost of programs funded by the grant, in cash or in kind, from non-Federal sources;

"(2) will not as a result of receiving the grant decrease the prior level of spending of funds of the State or consortium from non-Federal sources for arson research, prevention, and control programs;

"(3) will use no more than 10 percent of funds provided under the grant for administrative costs of the programs; and

"(4) is making efforts to ensure that all local jurisdictions will provide arson data to the National Fire Incident Reporting System or the Uniform Crime Reporting program.

"(f) EXTENSION.—A grant awarded under this section may be extended for one or more additional periods, at the discretion of the Administrator, subject to the availability of appropriations.

"(g) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States in carrying out programs funded by grants under this section.

"(h) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult and cooperate with other Federal agencies to enhance program effectiveness and avoid duplication of effort, including the conduct of regular meetings initiated by the Administrator with representatives of other Federal agencies concerned with arson and concerned with efforts to develop a more comprehensive profile of the magnitude of the national arson problem.

"(i) ASSESSMENT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall submit a report to Congress that—

"(1) identifies grants made under this section;

"(2) specifies the identity of grantees;

"(3) states the goals of each grant; and

"(4) contains a preliminary assessment of the effectiveness of the grant program under this section.

"(j) REGULATIONS.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations to implement this section, including procedures for grant applications.

"(k) ADMINISTRATION.—The Administrator shall directly administer the grant program required by this section, and shall not enter into any contract under which the grant program or any portion of the program will be administered by another party.

"(l) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

"(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this section should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this section, the Administrator shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress."

SEC. 4. VOLUNTEER FIREFIGHTER TRAINING.

Section 24(a)(2) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2220(a)(2)) is amended by inserting before the semicolon the following: "with particular emphasis on the needs of volunteer firefighters for improved and more widely available arson training courses".

SEC. 5. CPR TRAINING.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 32. CPR TRAINING.

"No funds shall be made available to a State or local government under section 25 unless such government has a policy to actively promote the training of its firefighters in cardiopulmonary resuscitation."

SEC. 6 FEDERAL EMPLOYEE HOUSING EXCEPTIONS.

Section 31(c)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2227(c)(1)) is amended—

(1) in subparagraph (A), by striking "No Federal" and inserting in lieu thereof "Except as otherwise provided in this paragraph, no Federal"; and

(2) by adding at the end the following new subparagraphs:

"(C) Housing covered by this paragraph that does not have an adequate and reliable electrical system shall not be subject to the requirement under subparagraph (A) for protection by hard-wired smoke detectors, but shall be protected by battery operated smoke detectors.

"(D) If funding has been programmed or designated for the demolition of housing covered by this paragraph, such housing shall not be subject to the fire protection requirements of subparagraph (A), but shall be protected by battery operated smoke detectors."

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end the following new subsection:

"(h) In addition to any other amounts that are authorized to be appropriated to carry out this Act, there are authorized to be appropriated to carry out this Act—

"(1) \$500,000 for fiscal year 1995 for basic research on the development of an advanced course on arson prevention;

"(2) \$2,000,000 for fiscal year 1996 for the expansion of arson investigator training programs at the Academy under section 24 and at the Federal Law Enforcement Training Center, or through regional delivery sites;

"(3) \$4,000,000 for each of fiscal years 1995 and 1996 for carrying out section 25, except for salaries and expenses for carrying out section 25; and

"(4) \$250,000 for each of the fiscal years 1995 and 1996 for salaries and expenses for carrying out section 25."

SEC. 8. SUNSET.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BOUCHER] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BOUCHER].

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

Mr. Speaker, House Resolution 413 contains an amendment to the Senate amendment to H.R. 1727 which amends the Federal Fire Prevention and Control Act of 1974 to establish a program of demonstration grants to strengthen State arson investigator training courses, and to provide new resources in the fight against this very serious criminal justice and fire protection problem. The bill also authorizes the development of an advanced course on arson prevention and investigation at the National Fire Academy, the Federal Law Enforcement Training Center, and the FBI Training Academy.

Arson remains a deadly crime. It is a leading cause of fire-related deaths, accounting for approximately 700 deaths annually in the United States. Each year, there are more than 500,000 incendiary or suspicious fires, causing estimated property losses in the range of \$2 billion. Despite the devastating human and economic costs of arson, it remains one of the most difficult crimes to solve or prosecute successfully. The National Fire Protection Association estimates that only about 2 percent of arson fires lead to convictions. There is a need for standardization of investigative techniques and reporting methodology to facilitate a more accurate representation of the true scope of the arson problem. Firefighters require better training in recognizing and preserving the evidence of arson. Rural and volunteer firefighters have a particular need for improved access to this instruction.

The Arson Prevention Act of 1994 was developed in response to requests from the fire services community nationally to provide Federal support to help stem the growing arson problem. The House passed H.R. 1727 by voice vote on July 26, 1993. The other body passed H.R. 1727 with an amendment in the nature of a substitute on November 22, 1993.

The measure before the House today makes only minor changes to the amendment in the nature of a substitute that was approved by the other body last November. First, we have retained a provision that was offered by the gentleman from Pennsylvania [Mr. WALKER], in the full Science, Space, and Technology Committee markup. That provision requires States to have a policy of actively promoting training in cardiopulmonary resuscitation [CPR] for its firefighters as a condition of receiving a grant under the act. Second, we have retained a sunset provision for the program which runs concurrently with the 2-year authorization. Third, we have changed the authorization years under the bill from fiscal years 1994 and 1995 to fiscal years 1995 and 1996. And finally, we have corrected an oversight in the provisions of the Federal Fire Administration Authorization Act of 1992—Public Law 102-522—mandating hard-wired smoke detectors in facilities housing Federal employees. The narrow amendment covers those rare situations in which a reliable source of electricity is not available and allows the Government to employ battery operated smoke detectors in such situations. We have discussed these changes with Members of the other body and are assured that the bill will be taken up and passed promptly.

I would like to say a word of thanks to the gentleman from New York [Mr. BOEHLERT], the ranking Republican member of our Subcommittee on Science. Mr. BOEHLERT is a recognized leader in many congressional efforts to

provide better fire protection and he has been of outstanding help in both the drafting and passage of this measure.

I also want to acknowledge the contributions to this measure of the ranking Republican member of the full Committee on Science, Space, and Technology, the gentleman from Pennsylvania, Mr. WALKER, our full committee chairman, Mr. BROWN of California, and the leaders of the Congressional Fire Services Institute, Mr. HOYER of Maryland, and Mr. WELDON of Pennsylvania.

Mr. Speaker, this is a carefully drawn response to a growing criminal justice and fire protection problem and I am pleased to urge its passage.

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

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

Mr. Speaker, I rise in strong support of this bill, which I cosponsored with the chairman. Arson is a serious threat to lives and property, and it is one of the most difficult crimes to investigate and prosecute. We will only begin to make a dent in the arson problem if we focus more attention on it.

The U.S. Fire Administration was established to handle precisely this sort of problem—combating a nationwide danger that States and localities have been unable to confront alone. The grants and enhanced training that the Fire Administration will provide under this bill should be an important step in addressing the arson problem.

When the committee considers the overall authorization for the Fire Administration, we will have to decide whether these grants will be paid for with new money or will come out of the President's request. Mr. WALKER, the ranking member of the Science Committee, who has been a strong supporter of this arson bill, will be pressing to pay for these grants out of existing funds, and we must address that issue by taking a hard look at Fire Administration programs in the authorization bill.

I want to thank Chairman BOUCHER for working with me to clear up some technical problems in the Federal Fire Safety Act, which we worked on in the last Congress. The new provisions will make clear that the requirements for sprinklers and hard-wired smoke detectors do not apply to properties that do not have access to water or electricity. This primarily involves backwoods properties under the control of the Department of Interior. The properties still must have battery-powered smoke detectors.

I am pleased that the agencies are taking the act seriously enough to bring this technical problem to our attention. We look forward to the smooth implementation and rigorous enforcement of the act.

I urge my colleagues to support this bill.

Mr. BROWN of California. I rise in strong support of H.R. 1727, the Arson Prevention Act of 1994.

This bill represents a serious and thoughtful attempt by the Committee on Science, Space, and Technology to reduce the incidence of arson in the United States.

The bill authorizes grants for demonstration programs at the State level to improve the training of arson investigators, to form regional arson task forces, to perform research on the causes of arson, and to combat specific causes of arson—such as gang related activity.

No area of the United States is immune from the threat of arson. In my district alone, San Bernadino County fire officials reported more than 100 arson related fires last year, and nationally the figure approaches 500,000. Property losses are in the billions.

I commend the distinguished Chairman of the Subcommittee on Science, Mr. BOUCHER, for his work on this legislation. I also commend Mr. BOEHLERT of New York and Mr. WALKER of Pennsylvania for their contributions. This bill has widespread bipartisan support, and I am pleased to recommend this bill to the House.

Mr. HOYER. Mr. Speaker, as the chairman of the Congressional Fire Services Caucus, it gives me great pleasure to rise in strong support of H.R. 1727, the Arson Prevention Act, and its Senate amendments. This has been a top priority of the fire caucus in the 103d Congress, and I am pleased that this measure is now moving forward.

Arson continues to be one of the most destructive problems in our country today. In fact, as a percentage of all fires, arson has been increasing during the last 4 to 5 years.

That's a frightening trend when you consider that 1 out of every 12 civilian fire deaths is due to arson, and nearly one out of every four fire service deaths results from arson fires.

While arson fire will never be a completely preventable crime, H.R. 1727 takes a giant step toward reorientating how local, State, and Federal agencies approach this problem. It includes over \$10 million in grant money designed to improve arson detection, investigation, and prevention.

The terrible arson fires in southern California last year symbolized the blight these fires create. There is no better testament to the need of this bill, than the thousands of Californians whose lives have been irrevocably changed by this crime.

Today, we can take action to help our local communities fight arson. I urge all of my colleagues to support the Senate amendments to H.R. 1727.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Virginia [Mr. BOUCHER] that the House suspend the rules and agree to the resolution, House Resolution 413.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 413, the resolution just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

APPOINTMENT OF MANUEL LUIS IBÁÑEZ TO THE SMITHSONIAN INSTITUTION

Mr. FROST. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 279) providing for the appointment of Manuel Luis Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 279

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Anne Legendre Armstrong of Texas, is filled by the appointment of Manuel Luis Ibáñez of Texas. The appointment is for a term of 6 years and shall take effect on the day after the effective date of the resignation of Anne Legendre Armstrong.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. FROST] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

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

Mr. Speaker, I rise in support of House Joint Resolution 279.

As our Nation's museum, the Smithsonian Institution is the world's largest museum complex with 20 major facilities, including the world famous Air and Space Museum, the National Museum of Natural History, the National Museum of African Art, and the National Museum of American History.

Congress has vested the responsibility to administer the Smithsonian in the Smithsonian Board of Regents, which is composed of the Chief Justice, the Vice President, three Members of the Senate, three Members of the House, and nine Citizen Regents. The Regents receive no salary for their services to the Board and are appointed to a term of 6 years.

House Joint Resolution 279 provides for the appointment of Manuel Luis

Ibáñez to fill the vacancy of Anne Legendre Armstrong as a Citizen Regent of the Board of Regents of the Smithsonian Institution.

Mr. Ibáñez is the president of Texas A&I University and a professor of microbiology. He has had a long and distinguished career in academia and he will be an asset to the Smithsonian Board of Regents.

Mr. Ibáñez has complied with all the guidelines set by the committee to receive its approval, and therefore, I urge my colleagues to support and adopt House Joint Resolution 279.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 279, and endorse the appointment of Manuel Luis Ibáñez to the Board of Regents of the Smithsonian Institution.

Dr. Ibáñez would bring to the Board of Regents an extensive academic background, as well as vital administrative experience, as president of Texas A&I University.

His creativity in the development and establishment of numerous programs and degrees could prove to be very beneficial to the Smithsonian Institution.

This accomplished scholar has actively participated in various professional societies, performed extensive academic and public service, and has personal and institutional experience involving grants, awards, and funding.

Dr. Ibáñez has a proven record in the area of fundraising. Most notably, he increased the endowment from \$1½ to \$5½ million, while president of Texas A&I University. Proficiency in this area is needed at an institution which so often relies on public donations.

My visit with Dr. Ibáñez yielded many positive thoughts. My impression of this gentleman was that he expressed great enthusiasm with regard to the museums.

Dr. Ibáñez previously mentioned to our subcommittee his idea of expanding the museums, through traveling exhibits that would tour some of the smaller towns and cities in the United States.

As a member of a rural district primarily comprised of smaller towns, I recognize the importance of access of these cultural and historical exhibits, that the people of Washington and the other larger cities in the United States so readily enjoy.

Dr. Ibáñez also has an excellent understanding of the current fiscal situation facing the Smithsonian and expressed some excellent ideas in broadening the private contribution base.

I believe he embodies a desire to keep the Smithsonian museums among the most highly respected in the world. I encourage my colleagues to support

House Joint Resolution 279, and I reserve the balance of my time.

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

Mr. MINETA. Mr. Speaker, I rise in support of House Joint Resolution 279, a resolution appointing Manuel Luis Ibanez as a member of the board of regents for the Smithsonian Institution for a 6-year term.

As the senior regent in the House of Representatives, I introduced this legislation when Mr. Ibanez's nomination was approved by the board of regents last year.

Mr. Ibanez is the president of Texas A&I University and a professor of microbiology. From his leadership roles at Texas A&I University, he has significant experience in the arts and science. He is an accomplished author and speaker on a variety of topics.

In addition, he is involved with several research organizations and professional societies whose goals include advancing the education and involvement of a broad audience about science and various related areas of study. Mr. Ibanez is an active public servant and will bring his unique expertise to the many issues before the board of regents.

I urge you to support his appointment.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. FROST] that the House suspend the rules and pass the joint resolution, House Joint Resolution 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 279, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 144) providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 144

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on

the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Anne Legendre Armstrong of Texas, is filled by the appointment of Manuel Luis Ibanez of Texas. The appointment is for a term of 6 years and shall take effect on the day after the effective date of the resignation of Anne Legendre Armstrong.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 279) was laid on the table.

APPOINTMENT OF FRANK ANDERSON SHRONTZ TO THE SMITHSONIAN INSTITUTION

Mr. FROST. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 280) providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Robert James Woolsey, Jr. of Maryland on April 2, 1993, is filled by the appointment of Frank Anderson Shrontz of Washington. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. FROST] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 280. House Joint Resolution 280 provides for the appointment of Frank Anderson Shrontz, to fill the vacancy of Robert James Woolsey, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution. Mr. Shrontz is an airplane manufacturing executive of the Boeing Co. He has had a long and successful career, and his business and marketing expertise will be an asset to the Smithsonian Board of Regents.

Mr. Shrontz has complied with all guidelines set by the committee to receive its approval, and therefore I urge my colleagues to support and adopt House Joint Resolution 280.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 280, which

would provide for the appointment of Mr. Frank Anderson Shrontz to the Smithsonian Board of Regents.

Mr. Shrontz would bring the Smithsonian Board of Regents some impeccable credentials. He possesses an administrative background matched by very few, as chief executive officer of the Boeing Co.

I believe his experience in this demanding position has prepared him with some essential training that could help the Smithsonian confront the challenges it may face in the future.

Mr. Shrontz's successful managerial background in a large, complex organization, demonstrates his potential for bringing that same effective oversight to the Smithsonian Institution.

I had the pleasure of personally visiting with Mr. Shrontz and I found him to be very amiable, as well as in touch with all of my concerns involving the museums. I believe he has a firm understanding in making the difficult decisions necessary, while operating in a constrained financial environment.

In questions about the Institution prior to our visit, he expressed our mutual interest in creating financial stability within the Institution, for the purpose of maintaining the Smithsonian's high quality and consistency. He stated this in terms of setting firm priorities and meaningful constraints on expansion.

In addition to an extracurricular interest in the areas of art, history, and international programs, Mr. Shrontz would bring an expertise in air and space technologies, that could prove to be advantageous as a member of the Board of Regents.

Mr. Speaker, I urge my colleagues to join me in support of Mr. Shrontz.

Mr. Speaker, I yield such time as she may consume to the gentleman from Washington [Ms. DUNN].

Ms. DUNN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 280 that will provide for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

As the chairman and chief executive officer of the Boeing Co., Frank Shrontz comes to the Smithsonian as a management expert adept at the oversight of a large complex organization. As a member of the Board of Regents, his contributions will be invaluable as the Smithsonian establishes priorities for the 21st century.

With the dawn of a new century, a new technology-driven century, it is essential for America to recognize that the key to continued economic vitality is for America to produce workers who are both highly educated and highly skilled. Fortunately, for America and for our youth, Frank Shrontz has been on the forefront of the educational reform movement; pushing and prodding

elected officials and educators, students, and administrators to change an educators, system so as to boldly meet the new needs and new challenges of our Nation.

At its essence, the Smithsonian Institution is a hub of educational and cultural learning. At the Smithsonian, men and women, young and old, from diverse backgrounds and ethnic origins come together to learn of our past, to seek answers to the future, and to attempt to bridge the gaps that divide us. At the Smithsonian, the intellect is constantly challenged and the imagination is endlessly piqued. Frank Shrontz is the right man to ensure that the Smithsonian's educational journey continues unabated and uninterrupted.

Frank Shrontz, management authority and educational conscience, is a man imminently well qualified to lead as a citizen regent of the Board of Regents of the Smithsonian Institution. I rise in unequivocal support and ask my colleagues for their unanimous approval of this resolution.

Mr. MINETA. Mr. Speaker, I rise in strong support of House Joint Resolution 280, a resolution appointing Frank Anderson Shrontz as a member of the Board of Regents for the Smithsonian Institution for a 6-year term.

As the senior Regent in the House of Representatives, I introduced this legislation when Mr. Shrontz's nomination was approved by the Board of Regents last year.

Mr. Shrontz is the president and chief executive officer of the Boeing Co. From his many roles in business and public affairs for Boeing, he has garnered significant experience in the corporate world. Mr. Shrontz is certainly considered a leader in the aviation industry.

In addition, he is involved with a variety of business councils and serves on the board of directors for Citicorp, the Boise Cascade Corp., and Minnesota Mining and Manufacturing [3M]. Mr. Shrontz is active in a number of civic and charitable organizations. He will bring an invigorated approach and unique knowledge of corporate America and the complexities of the business world to the many issues before the Board of Regents.

I urge you to support his appointment.

Mr. BARRETT of Nebraska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. FROST] that the House suspend the rules and pass the joint resolution, House Joint Resolution 280.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 280, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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Mr. FROST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate joint resolution (S.J. Res. 143) providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S. J. RES. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Robert James Woolsey, Jr., of Maryland on April 2, 1993, is filled by the appointment of Frank Anderson Shrontz of Washington. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 280) was laid on the table.

JEAN MAYER HUMAN NUTRITION RESEARCH CENTER ON AGING

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4204) to designate the Federal building located at 711 Washington Street in Boston, MA, as the "Jean Mayer Human Nutrition Research Center on Aging".

The Clerk read as follows:

H.R. 4204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. DESIGNATION.

The Federal building located at 711 Washington Street in Boston, Massachusetts, shall be known and designated as the "Jean Mayer Human Nutrition Research Center on Aging".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Jean Mayer Human Nutrition Research Center on Aging".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. NADLER] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. NADLER].

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

Mr. Speaker, Dr. Jean Mayer was a truly remarkable man. He was an advisor to three Presidents, a decorated World War II hero, a renowned researcher, an author, a lecturer, and an educator. He was instrumental in establishing the National Food Stamp Program, the School Lunch Program, and other national nutritional programs. His research on the effects of nutrition and aging has made significant contributions to the health of our senior citizens. He pioneered research into the effects of poverty on malnutrition and aging. Dr. Mayer also studied the effects of smoking and high-cholesterol foods on coronary heart disease. For his devotion and dedication to public health issues, and for his outstanding contributions to scientific research, it is fitting and proper that the Federal building at 711 Washington Street, Boston, MA, be designated the "Jean Mayer Human Nutrition Research Center on Aging." Mr. Speaker, I wish to thank Chairman JOE MOAKLEY for sponsoring H.R. 4204 and for his diligent efforts in support of this bill. In closing, I ask my colleagues to support H.R. 4202, and I urge adoption of this bill.

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

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

Mr. Speaker, I rise in support of H.R. 4204, which designates the Federal building at 711 Washington Street in Boston, MA, as the Jean Mayer Human Nutrition Research Center on the Aging.

Dr. Mayer gained international recognition for his search for solutions to the nutritional problems of the poor and the elderly. Presidents Nixon, Ford, and Carter sought his advice on numerous issues including world hunger, world peace, and civil rights.

Dr. Mayer holds the unique distinction of being named to both the American Academy of Arts and Sciences and the French Academy of Sciences. During World War II, Dr. Mayer's native country of France awarded him the French equivalent of the Congressional Medal of Honor.

Dr. Mayer is a graduate of Yale University and a former member of the faculty at Harvard University. He has dedicated his life to serving his fellow citizens of the world by assuming leadership positions at the United Nations, the World Health Organization, and UNICEF.

The Human Nutrition Research Center on Aging in Boston was a dream of

Dr. Mayer's which he made a reality. I am pleased to join the sponsor of this legislation, Congressman MOAKLEY, in urging our fellow Members to name this center after one of our Nation's most respected nutritionists, Dr. Jean Mayer.

Mr. MOAKLEY. Mr. Speaker, let me first thank my colleague and friend, Mr. TRAFICANT, the gentleman from Ohio, the Chair of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation, for managing, supporting, and making possible this legislation.

Mr. Speaker, I would like to thank my friends on the Republican side, especially the gentleman from Tennessee [Mr. DUNCAN], the ranking member of the subcommittee, for helping to move this legislation forward. I would also like to thank Dr. John DiBiaggio for assisting with this legislation. Dr. DiBiaggio succeeded Dr. Jean Mayer as president of Tufts University and is doing truly exemplary work in continuing the legacy of both Jean Mayer and Tufts University.

Mr. Speaker, thank you for the opportunity to appear before the House today to support H.R. 4204 to name the Human Nutrition Research Center on Aging in Boston, MA, for Dr. Jean Mayer.

First let me explain the mission of the Human Nutrition Research Center on Aging. I think my colleagues will clearly see why it is fitting to name the Center for Dr. Jean Mayer. The Center is a free-standing Federal facility located at 711 Washington Street in Boston, MA, my congressional district. The facility was established by the Congress through the Food and Agriculture Act of 1977 and houses 250 research and support staff that work with a number of Federal agencies on issues affecting the nutritional requirements and the role nutrition plays in the aging process of senior citizens.

Mr. Speaker, unfortunately, the Center's mission becomes more relevant to all of us with each passing day. The Center today serves as a national model of Federal Government/university/State and city collaboration benefiting not only the American people, but people around the world. The accomplishments at the Center are unparalleled and its establishment has even helped to spur the economic redevelopment of a section Boston unfortunately known as the Combat Zone.

Mr. Speaker, the Human Nutrition Research Center on Aging was a dream made possible by Dr. Jean Mayer's strong mind and vision and, oftentimes, persistence. Mr. Speaker, as one who worked closely with Jean Mayer through the years, I can honestly say it was a mission to better all mankind. Dr. Jean Mayer was one of the world's leaders in the field of nutrition who recognized early in his career the relationship between nutrition and the productive lives of senior citizens. Recent studies have confirmed this relationship, as well as the relationship of nutrition to the health of senior citizens. This research is extremely timely given the great debate over health care and health care costs before the Congress today. The improved health of senior citizens can and will literally save our country millions of dollars through reduced health care costs.

In addition to these efforts, Dr. Jean Mayer was truly a national resource. He was born in

Paris, France, in 1920 and did his undergraduate studies at the University of Paris. During World War II, he served in the French Army, the Free French Forces and participated in numerous campaigns including North Africa, Italy, and the Battle of the Bulge and received France's highest decoration for bravery, the Croix de Guerre, the equivalent of our Congressional Medal of Honor. His daring exploits during the war are truly legend, both in France and the United States.

After completing his graduate studies at Yale University, Dr. Mayer served on the faculty of Harvard University until his appointment as the 10th President of Tufts University in 1976, followed by his appointment as chancellor of Tufts University in 1992. Dr. Jean Mayer's service to mankind is long and varied as represented by his leadership within the United Nations, the World Health Organization, UNICEF, and technical missions on various continents, including his mission to war-torn Biafra in the late 1960's. As chairman of the U.S. National Council on Hunger and Malnutrition, Dr. Jean Mayer played a major role in calling our Nation's attention to the nutritional problems of the poor in America. Prior to his unfortunate death in 1993, he continued to serve as an advisor to numerous Presidents on issues relating to world hunger, world peace, and the protection of civil rights. For these efforts, Dr. Mayer was elected to both the American Academy of Arts and Sciences and the French Academy of Sciences—one of the few Americans to be honored with election to both Academies.

Mr. Speaker, Members of the House, it is for these outstanding contributions to not only the American people, but people around the world that I introduced H.R. 4204 to name the Human Nutrition Research Center on Aging for Dr. Jean Mayer. Naming the Center for Human Nutrition Research on Aging for Dr. Jean Mayer is a great tribute to this wonderful man, and it can serve as a symbol to encourage others to follow in his footsteps of service to our country and other countries around the world.

Again, Mr. Speaker, Members of the House, thank you for your consideration of this legislation which honors a great man.

Mr. Speaker, I urge adoption of the motion and yield back the balance of my time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. NADLER] that the House suspend the rules and pass the bill, H.R. 4204.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

USE OF THE CAPITOL GROUNDS FOR THE 13TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. NADLER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 237) authorizing the use of the Capitol Grounds for the 13th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 237

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 13th annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1994, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the 151 law enforcement officers who died in the line of duty during 1993.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. NADLER] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. NADLER].

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

Mr. Speaker, I am very pleased and honored to be associated with this resolution which would authorize the use of the Capitol Grounds for this very notable memorial service. All citizens are aware of the great danger inherent in today's law enforcement profession. We

have all witnessed the profound sacrifices made by these brave men and women and, of course, by their families. Too often in recent years the thin blue line has been stretched beyond capacity. Budget cuts and lack of other resources have contributed to making the law enforcement profession one of constant exposure to danger and death.

In 1963, President John Kennedy proclaimed May 15 as National Peace Officers' Memorial Day. It is a day to reflect upon the meaningful and important contributions made by our National law enforcement community. I urge my colleagues to join me in recognizing and honoring the dedication and memory of our slain law enforcement officers.

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

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

I am pleased to rise in support of House Concurrent Resolution 237, which authorizes the use of the Capitol Grounds for the 13th annual National Peace Officers Memorial Service. This event will pay respect to those peace officers who have died in the line of duty this past year.

The men and women who serve as peace officers in this Nation are very special. They risk their lives on a daily basis to make our families, streets, neighborhoods, and workplaces safe.

Certainly the most basic civil right of all is the right of people to be safe in their homes and in their communities. Unfortunately, in far too many instances, these officers pay the ultimate price to protect each of us from harm. It is these officers who will be honored at this year's memorial service.

I would like to tell the family, friends, and fellow officers of those peace officers who died in the line of duty this past year that all of us share your grief and sense of loss. I also want them to know that we here in the Congress share their pride in the knowledge that these brave officers are true American heroes.

The grounds of the U.S. Capitol have been utilized to honor Presidents and world leaders. However, I can think of no better use of our Capitol than to honor the men and women who serve all of us as peace officers.

Mr. Speaker, for 7½ years before coming to Congress I served as a criminal circuit court judge in Tennessee, and I worked very closely with the law enforcement personnel in my home State, and I can tell my colleagues that I am proud to be associated with them in every way.

I am told that some 153 men and women lost their lives in the line of duty as law enforcement or peace officers in this country this past year. I think it is altogether fitting and proper that we honor them in this way, and I urge passage of House Concurrent Resolution 237.

Mr. TRAFICANT. Mr. Speaker, as the author of House Concurrent Resolution 237, which would authorize the use of the grounds of the U.S. Capitol for the National Peace Officers' Memorial Service on May 15, 1994, I rise in strong support of this resolution and urge the House to approve it today. As chairman of the House Public Works and Transportation Subcommittee on Public Buildings and Grounds, I am pleased that both the subcommittee and the full committee worked expeditiously to approve this resolution and bring it to the House floor.

I would like to thank the chairman of the full committee, my esteemed colleague NORMAN MINETA, the ranking minority member of the full committee, Mr. SHUSTER, the vice chair of my subcommittee, Ms. NORTON, and the ranking minority member of my subcommittee, Mr. DUNCAN, for their support of House Concurrent Resolution 237 and their cooperation in moving this resolution forward.

Mr. Speaker, from 1981 to 1985, I had the honor of serving as sheriff of Mahoning County, OH. As a former law enforcement officer, I know all too well the many challenges facing America's law enforcement officers. The 151 officers who died in the line of duty in 1993 are a tragic reminder of the many dangers facing law enforcement and of the enormous sacrifices our police officers continue to make to keep our streets safe. I can't think of a more appropriate place in America to honor these fallen heroes than the U.S. Capitol. As sheriff, I felt the pain and anguish of having one of my deputies, John R. "Sonny" Litch, Jr., killed in the line of duty on October 22, 1981. I am gratified that Sonny's name is among the more than 10,000 names of fallen law enforcement heroes that appear on the National Law Enforcement Officers Memorial here in Washington, DC.

Mr. Speaker, 596 law enforcement officers from Ohio have been killed in the line of duty since Ohio became a State. At this time, I'd like to list the names of those officers from my congressional district who have fallen in the line of duty.

From the Campbell Police Department: Patrolman John Constantino, killed on May 11, 1920; Lieutenant Albert Masi, killed on February 12, 1973; and Captain Joseph Ruby, killed on November 11, 1923.

From the Mahoning County Sheriff's Office: Deputy Sheriff John R. Litch, Jr., killed on October 22, 1981.

From the Poland Police Department: Patrolman Richard Elton Becker, killed on November 6, 1983, and Patrolman Charles K. Yates, killed on March 30, 1984.

From the Struthers Police Department: Patrolman Richard Darwich, killed on November 16, 1952, and Patrolman John Harkins, killed on January 5, 1952.

From the Youngstown Police Department: Patrolman Samuel Banks, killed on October 4, 1919; Patrolman Frank Cichon, killed on December 21, 1963; Patrolman Henry Clemons, killed on December 4, 1927; Patrolman Ralph J. DeSalle, killed on June 13, 1984; Patrolman Paul Joseph Durkin, killed on September 22, 1987; Patrolman Alfred Evans, killed on November 5, 1911; Patrolman William Freed, killed on May 16, 1891; Patrolman George Leonard, killed on March 29, 1924; Patrolman

Alexander Warren, killed on May 3, 1921; Detective Sergeant Millard Williams, killed on April 14, 1992; and Detective Ben Yeaden, killed on February 4, 1925.

Mr. Speaker, the 13th annual National Peace Officers Memorial Service is sponsored by the National Fraternal Order of Police [FOP] and the FOP Auxiliary. The service will honor the 151 law enforcement officers who died in the line of duty in 1993. I want to commend the FOP and the FOP Auxiliary for the fine job they do each and every year in sponsoring and conducting this important and moving service.

All too often, after the headlines fade, the families of the slain officers are forgotten. The emotional scars of losing a loved one never fade. The FOP and FOP Auxiliary, along with Concerns of Police Survivors [COPS] do a truly remarkable job of reaching out to the families and helping them get through the tough times. Their efforts should be recognized and applauded.

The National Peace Officers Memorial Service on May 15, 1994, will once again remind the Nation that law enforcement is a dangerous and challenging profession, and brave men and women continue to give their lives to protect their fellow citizens. The service hopefully will draw the Nation's attention and provide an opportunity for all Americans to reflect upon the bravery, dedication, and integrity of our law enforcement officers.

Once again, Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 237 and vote for its approval today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. NADLER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 237.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LET'S STOP KIDS KILLING KIDS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 360) to designate the week of April 25, 1994, to May 1, 1994, as "Let's Stop Kids Killing Kids Week," and as for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 360, legislation that designates the week of April 25, 1994 to May 1, 1994, as "Let's Stop Kids Killing Kids Week." I commend the gentleman from Minnesota [Mr. VENTO] for introducing this important resolution.

The passage of the Violent Crime Control and Law Enforcement Act, last week demonstrates that fighting the crime that plagues our communities is a top priority for the American people. The approved legislation not only incorporates several measures that impose severe penalties on those who break the law, but also institutes proven programs that will deter our youth from choosing a life of crime.

I am pleased that the House-approved crime bill provides community and educational programs that will provide an alternative for our Nation's youth. The rising crime rate among children demonstrates that this must remain a top priority.

Mr. Speaker, I would also like to publicly thank the National League of Cities and the many other community advocacy groups who have worked together to build a broad base coalition to address our crime problems.

With this in mind, I wholeheartedly support this resolution.

Mr. VENTO. Mr. Speaker, House Joint Resolution 360 designates this week, April 25 through May 2, as "Let's Stop Kids Killing Kids Week." Just last week in this Chamber the House of Representatives passed a comprehensive anticrime bill. In the wake of this important legislation it is appropriate for us, not only as Members of Congress, but as members of families and communities throughout this Nation, to focus our attention on the rising incidence of violent crime among our young people.

It is a sad and tragic reality in this country that homicide is the leading cause of death among young African-Americans, and the second leading cause of death for all people ages 15-34. This past decade alone has seen a 128-percent increase in the number of juveniles arrested for murder. We, as leaders and parents, must act now to reverse these trends and to ensure a safe and positive future for our youth.

Last week this body passed legislation as part of the crime bill that represents a step forward in addressing the problem of youth violence. H.R. 4034, the Urban Recreation and at-Risk Youth Act introduced by Natural Resources Committee Chairman GEORGE MILLER and myself expands park and recreation op-

portunities for at-risk youth in high crime urban areas.

During the hearings regarding this legislation, city park directors, police, boys and girls clubs, midnight basketball leagues and others closely involved in youth crime prevention programs testified that recreation works as a crime prevention measure. Many young people in urban areas have little or no access to sports and recreation facilities and this bill will help remedy this situation by providing grants for rehabilitation projects and programs in urban neighborhoods and communities with a high prevalence of crime at a cost much less than the \$29,000 a year it takes to incarcerate each juvenile offender.

Programs like these that stress preventing the crimes before they are committed; that teach young people values such as teamwork and fairness; and that remain focused on the community are what we must work on for the future. That is why 233 cosponsors and I, with the support of the National League of Cities and 70 other national organizations, have introduced House Joint Resolution 360.

Let's Stop Kids Killing Kids Week encourages communities across the country to focus their attention on the growing problem of youth violence and what can be done to protect, teach, and provide opportunities for our children and generations to come so they will no longer have to live in a world of hopelessness and fear.

Mr. Speaker, Kids Killing Kids is in fact a learned behavior shaped uniquely by the conditioning of young people in our society, and it is appalling that we are so inept in challenging and changing such learned behavior. The intent of the resolution, House Joint Resolution 360, is not to suggest that a single factor or that a panacea is available to reverse this behavior, but by teaching nonviolent conflict resolution and focusing on the problem of youth violence as a community we can begin to address the impact of the media and programming, the lack of recreation facilities for urban youths, unemployment, drug abuse, and the easy access to the instruments of homicide that has led to the violent behavior of many young people. As a society we must change this behavior; we must stop the dehumanization of people and the actions that flow from such anti-social values especially among young people—we must Stop Kids Killing Kids, a perverse destructive behavior that is all too common across America in the 1990's.

Mr. Speaker, I urge Members to vote in favor of this important measure to bring awareness to the problem of youth violence and to promote the positive development of our Nation's youth.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 360

Whereas the incidence of violent crime by teenagers has increased by alarming proportion in the United States;

Whereas the number of juveniles arrested for murder has increased 128 percent in the past decade;

Whereas an estimated 60 percent of reported crimes are being committed by those between 10-20 years of age;

Whereas homicide is the leading cause of death among young African-Americans and second for all people ages 15-34;

Whereas young people ages 12-24 face the highest risk of nonfatal assault by any group in America;

Whereas the economic and emotional costs to victims, and society in general, has reached epidemic proportions;

Whereas the Nation faces a continuing need to support programs and services that give young people hope and to offer them alternatives to crime;

Whereas dedicated groups such as the National League of Cities, together with a broad based coalition of 70 national educational, religious, local government, law enforcement, medical, legal, civil rights, media, community service, and family advocacy organizations have announced a week-long campaign against youth violence during the week of April 25-May 1, 1994, including activities in cities across America to focus on the tragic consequences of youth violence for families and communities;

Whereas during the week-long campaign against youth violence important discussions with students, teachers, doctors, lawyers, and police will be held regarding youth violence and its effects, along with recognizing those individuals and programs that are doing outstanding work on youth violence prevention; and

Whereas it is appropriate to focus the nation's attention upon the problem of youth violence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 25, 1994, to May 1, 1994, is designated as "Let's Stop Kids Killing Kids Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Joint Resolution 360, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under the Speaker's announced policy of Feb-

ruary 11, 1994, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 60 minutes as the minority leader's designee.

WELFARE REFORM

Mrs. MEYERS of Kansas. Mr. Speaker, I would like to talk today about the subject of welfare reform. I have a bill that I have introduced, which is H.R. 1293. I would like to start out by telling you all a statistic which I think is a startling statistic. At least it amazed me.

By the year 2000, 80 percent of minority children and 40 percent of all children will be born illegitimate in the United States.

I would like to tell you another statistic which I think is significant. If you graduate from high school, if you get married, and you do not have your first child until you are 20, of that group, only 8 percent live in poverty. But if you do not graduate from high school, if you do not get married, and if you have your first child as a teen, 80 percent of that group live in poverty.

Now, our policies I think in this country have encouraged illegitimacy and have encouraged poverty. These policies were enacted with the best of intentions. They were enacted to assist people, to help people. But it did not work out that way. And I think it is time to admit that we are doing something very, very wrong in this country and change the way that we are doing things.

Now, a number of us have thought about this a great deal. To have a good welfare reform bill, it should cost less, not more. If someone tells you that they have a welfare reform idea but it is going to cost another \$10 billion, it is probably not welfare reform. It is probably more of the same.

A good welfare reform bill should end the entitlement nature of AFDC. Now, I think most of the people who are listening probably are aware that an entitlement is a program where we describe certain parameters in the law. Then if you fit into those parameters, you are considered entitled to money.

There are three large entitlements in the AFDC welfare program: AFDC, food stamps, and Medicaid. Another large program, housing, is not an entitlement. So there are three large entitlements and the housing program that cost significant money with the AFDC population.

I think to have a good welfare reform program we have to end the entitlement nature of AFDC, because with an entitlement, the money just flows. We do not even appropriate specific amounts in Congress. It is just such sums as may be necessary, and the money just flows. So you can say we are going to have a program and there will be sanctions if AFDC recipients do not live up to the terms of this pro-

gram. But if the money just flows anyway, somehow sanctions never really fall. Also a good welfare reform program should address the problem of teenage pregnancy, and it should address the problem of paternal identification.

I am going to tell you what my bill does, and then talk a little bit more generally about the problem.

My bill would freeze AFDC right where it is. That ends the entitlement nature of AFDC. It would return AFDC in block grants to the States and give the States absolutely maximum flexibility in what they do, because all of the good things that are happening in welfare, all of the good ideas, are coming from the States.

We ought to give this block of money to the States and give them maximum flexibility with only two mandates. Those mandates would be no AFDC unless and until both parents are 18, and no AFDC at any age unless the father is absolutely identified.

□ 1430

And that does not mean, I guess it was Bill Jones. That means William J. Jones, born January 20, 1978, with a Social Security number or an address, so that we absolutely know who that person is.

What we have been saying to young women, and the reason I say no AFDC until both parents are 18, is because what we have been saying to young women in this country with our policies for a great many years is, if you will have two children with no man in the house, we will give you \$500 a month AFDC, \$300 a month food stamps. We will pay all your medical bills. We will find you a place to live and pay for it for about a third of you. We will send you to a college or a training school to help get you off welfare. We will give you \$200 a month child care while you are taking that college or training school, and we will give you \$25 a month transportation round trip.

Now, if you are a mature person, you know that that is not a lot of money and it is not going to be a great life, although it is \$18,000 a year. But if you are 14 and you want to get out of the house and you are under some boyfriend pressure and some peer pressure and you wanted something to love, you are liable to take that offer and by 15 you are pregnant and by 16 you are caught in that welfare trap for the rest of your life.

I think the other mandate, no AFDC unless the father is absolutely identified, is because what we say now to young men is, and what we have been saying for many years, is go ahead, walk away from this program. We will take care of this for you. And with my bill, what we would be saying is, if you have no money, we will help this woman and this child. But we know ex-

actly who you are and when you are earning \$15,000 or \$20,000 or \$5000 a year, we are going to have a part of that for every child that you have fathered.

I think this is not a harsh bill. It is a bill that attempts to get people to take responsibility for their own children. Again, let me repeat what it does, because some people have said it sounds harsh.

It freezes one of the entitlements. Does not cut it, freezes it. It says that the States will have maximum flexibility to design their own programs. It says, no AFDC unless both parents are 18. It does not take away food stamps, does not take away Medicaid. And it says, no AFDC at any age until we absolutely know who the father is. And I do not think it is a harsh bill at all. I think it is a bill that will allow a great many people, 5 million families in the United States, it will allow a great many people to have a better life and to create a better environment in which to raise their children.

Now, you are going to hear a great deal from the President about, let us make people work and 2 years and out and that sounds very good. And you have heard that it takes a while to explain my program, but I have noticed if you say to a room full of people, let us make people work, everybody thinks that sounds so good and they applaud. But the truth is, we have tried this once. And it did not work.

In 1988, we fashioned a welfare bill that said we will have a work training program, a job readiness program, a job search program. We will pay child care. We will pay transportation. And everybody will go to work. And I waited and I watched for 5 years.

It was supposed to cost \$3 billion. We predicted in 1988, it would cost \$3 billion. And it cost \$13 billion. And less than 1 percent of the welfare population is working. And now the President is talking about doing exactly this same thing again.

He says it would cost \$10 billion over the next 5 years. And he is talking about funding it in a variety of ways. He talked about a gambling tax, and he talked about a tax on annuities. And he talked about taking away veterans' benefits. He has talked about taking away benefits from higher income farmers. He has talked about a variety of ways. The thing is, he is taking benefits away from working people in most of these instances in order to pay \$10 billion more for a program that we know has failed.

In 1988, we predicted this program is going to be successful. And at the end of 1998, we will have 5 million families on welfare. We hit that goal in early 1993. When you make the program better, when you add something to it, people flood onto the program. They came onto the program infinitely faster than we thought they would. They took all the programs and no one went to work.

My bill would save \$6 billion to \$8 billion over the next 5 years. The President's would cost \$10 billion over the next 5 years. That is a \$16 to \$18 billion difference that I think we could use in a variety of ways in this country and ways that would help people in a much more meaningful way than a work program that has failed once before.

Now, I strongly believe in work programs. I come from the Midwest. We have a very strong work ethic there. But we have proved already that Federal work programs do not work. And the State statistics show that our federally-mandated plan does not work.

Why? We live in a huge diverse country, and one of the reasons why a federally-mandated program does not work, I think, is because what works in New Jersey does not necessarily work in Kansas. Just think about the difference between Miami, FL and Billings, MT. I mean, it is a tremendous difference in this country. And when we try to overlay two huge, new entitlements, a work program and a day care program, on the country, it does not work very well.

The second reason a federally-mandated program does not work is because I believe you have to end the entitlement nature of AFDC in order to have any program work. Because as long as the money just continues to flow, no matter what you say, the sanctions never fall. The money just continues to flow, and that is what happened in 1988.

I think a third reason why State programs work much better than Federal programs is because the States can target these programs better. We know where the problems are in Kansas. We know the areas where there are jobs available, but we might need training programs to get people fitted for those jobs. We know where there are areas of high teenage pregnancy, and we do not so much need work programs as we need teenage pregnancy programs. We know where there are areas where maybe there are not jobs available, and you have to work with city or county governments and get people to work at jobs that the city and the country needs done and that they would be willing to assist in paying for them, working in the State.

□ 1440

I think it is time that we changed the way that we are doing things currently, that we not reauthorize a failed work program and day care program, and that we end the entitlement nature of AFDC, give more flexibility to the States, say no AFDC unless and until both parents are 18, and no AFDC at any age until the father is absolutely identified.

Why is this important to all of us? Why is this important to my constituents? I think it is terribly important because you are paying for it in so

many ways. You are paying for it in more ways than you probably realize. All studies show that AFDC children, welfare children, have lower test scores, are more involved in crime, and have more physical illnesses. I am not saying in any way that AFDC children are inherently bad. Certainly they are not. I am not saying that a great many of them are not successful. Many of them are.

I am saying that studies show that these children are much more subject to lower test scores, to being involved in crime, and to physical illnesses. This is a great cost to society.

In addition to that, I would like to tell the Members about the total cost of this program. These are only Federal figures, and two of the programs are matching Federal and State, so this is by no means the total cost. However, AFDC itself is \$16 billion. The AFDC population is responsible for 20 percent of Medicaid. The rest goes to low income families and to the elderly in the nursing homes. The AFDC population is responsible for 20 percent of Medicaid, for 55 percent of food stamps, for 30 percent of housing, for virtually all of a number of smaller programs: Head Start and WIC.

When we put all of that together, the annual cost to the U.S. taxpaying citizens is \$70 billion. The cost of welfare is not going to go away. I don't care what we do, and certainly we want to help people, I want to help people that need help, but the program is a runaway program. We have to stop it and get some kind of control of it.

I ask Members to think, if we only reduce that \$70 billion cost by 10 percent a year, we would have an extra \$7 billion that we could utilize to help people in much more meaningful ways. In addition to that, we would not be re-authorizing a work program and a day care program that we know has failed and that would cost \$10 billion.

I think it is time to change the way we are doing things. I hope that all of my colleagues who are listening today will support and cosponsor H.R. 1293.

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California [Mr. DREIER] is recognized for 30 minutes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous matter:)

Mr. OWENS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. ARMEY.

Mr. KIM.

Mr. LIVINGSTON.

Mr. GOODLING.

Mr. SAXTON.

Mr. FIELDS of Texas.

Mr. MICHEL.

Mr. GILMAN.

Mr. ROTH.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. GORDON.

Mr. COPPERSMITH.

Mr. ANDREWS of New Jersey.

Mr. POSHARD.

Mr. CLAY.

Mr. KILDEE in two instances.

Ms. NORTON.

Mr. ACKERMAN.

Mr. HUGHES.

Mr. DE LUGO in two instances.

Mr. HOYER.

Mr. DIXON.

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. KREIDLER.

Mr. BEILENSEN.

Mr. CUNNINGHAM.

Mr. STARK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 540. An act to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes; to the Committee on the Judiciary.

S. 725. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

S. 1904. An act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals; to the Committee on Veterans' Affairs.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2884. An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2005. An act to make certain technical corrections, and for other purposes.

S.J. Res. 150. Joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

ADJOURNMENT

Mrs. MEYERS of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.) under its previous order, the House adjourned until Thursday, April 28, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3049. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3050. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3051. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3052. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3053. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "Military Construction Authorization Act for Fiscal year 1995," pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

3054. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled, "Housing Choice and Community Investment Act of 1994"; to the Committee on Banking, Finance and Urban Affairs.

3055. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding Poland consistent with section 8(b)(3) of the Arms Export Control Act, as amended, and section 11(b)(3) of the Export Administration Act of 1979, as amended; to the Committee on Foreign Affairs.

3056. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's first annual audit to the Congress, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on Foreign Affairs.

3057. A letter from the Chairman, National Labor Relations Board, transmitting a re-

port on activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

3058. A letter from the Secretary of Veterans Affairs, transmitting a report on activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3059. A letter from the Chairwoman, Mid-Dakota Rural Water System, transmitting the Mid-Dakota Rural Water System final engineering report, January, 1994; to the Committee on Natural Resources.

3060. A letter from the Attorney General, Department of Justice, transmitting the fiscal year 1993 annual report of the Board of Directors of Federal Prison Industries, Inc., pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

3061. A letter from the Attorney General, Department of Justice, transmitting the annual report covering the 12-month period ended September 30, 1993, on the activities of the Federal courts under this Equal Access to Justice Act of 1980, pursuant to 28 U.S.C. 2412(d)(5); to the Committee on the Judiciary.

3062. A letter from the Administrator, Environmental Protection Agency, transmitting the national water quality inventory report for 1992, pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Public Works and Transportation.

3063. A letter from the Deputy Administrator, General Services Administration, transmitting informational copy of the report of building project survey for Dallas, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3064. A letter from the Administrator, General Service Administration, transmitting informational copies of prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3065. A letter from the Administrator, General Services Administration, transmitting informational copies of the fiscal year 1995 General Services Administration's [GSA's] Public Building Service [PBS] Acquisition of Facilities Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3066. A letter from the U.S. Trade Representative, transmitting a report on recent developments regarding implementation of section 301 of the Trade Act of 1974, pursuant to section 309(a)(3) of the Trade Act of 1974; to the Committee on Ways and Means.

3067. A letter from the General Counsel of the Navy, transmitting a draft of proposed legislation to authorize the transfer of 17 naval vessels to certain foreign countries, pursuant to 10 U.S.C. 7307(b)(1); jointly, to the Committees on Armed Services and Foreign Affairs.

3068. A letter from the Secretary, Department of Energy, transmitting the first annual report on building energy efficiency standards activities, pursuant to Public Law 102-486, section 101(a) (106 Stat. 2786); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3069. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "National Defense Authorization Act for Fiscal Year 1995," pursuant to 31 U.S.C. 1110; jointly, to the Committees on Armed Services, Education and Labor, Post Office and Civil Service, the Judiciary, Ways and Means, Energy and Commerce, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 2442. A bill to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes; with amendments (Rept. 103-423, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD (of Michigan): Committee on Education and Labor. H.R. 4250. A bill to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes; with amendments (Rept. 103-483, Pt. 1). Ordered to be printed.

Mr. DELLUMS: Committee on Armed Services. H.R. 1432. A bill to establish missions for Department of Energy research and development laboratories, provide for the evaluation of laboratory effectiveness in accomplishing such missions, and reorganize and consolidate Department of Energy technology transfer activities, and for other purposes; with an amendment (Rept. 103-484, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GLICKMAN:

H.R. 4299. A bill to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. SCHUMER (for himself, Ms. SCHENK, Mr. McDERMOTT, Ms. PELOSI, Ms. WATERS, Mr. REYNOLDS, Mr. STARK, Mr. DEUTSCH, Mr. ACKERMAN, Mr. BERMAN, Mr. EDWARDS of California, and Mr. FRANK of Massachusetts):

H.R. 4300. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

By Mr. DELLUMS (by request):

H.R. 4301. A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes; to the Committee on Armed Services.

By Mr. MCCURDY (for himself and Mr. HUNTER) (both by request):

H.R. 4302. A bill to authorize certain construction at military installations for fiscal year 1995, and for other purposes; to the Committee on Armed Services.

By Mr. KREIDLER (for himself, Mr. SWIFT, Mr. DICKS, Mrs. UNSOELD, and Ms. CANTWELL):

H.R. 4303. A bill to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles

and trucks; to the Committee on Education and Labor.

By Mr. SOLOMON (for himself and Mr. HUTTO):

H.J. Res. 361. Joint resolution to designate the year of 1995 as the Year of the American Flag; to the Committee on Post Office and Civil Service.

By Mr. TOWNS (for himself, Mrs. BYRNE, Ms. COLLINS of Michigan, Mrs. MARGOLIES-MEZVINSKY, Mrs. MORELLA, Ms. NORTON, and Mr. PAYNE of New Jersey):

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding of poison control services; to the Committee on Energy and Commerce.

By Mr. STUDDS:

H. Res. 412. Resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to the amendment of the House to S. 1636; considered under suspension of the rules and agreed to.

By Mr. BOUCHER:

H. Res. 413. Resolution providing for the concurrence by the House with an amendment, in the amendment by the Senate to bill H.R. 1727; considered under suspension of the rules and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

356. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to public water supply systems; to the Committee on Energy and Commerce.

357. Also, memorial of the Legislature of the State of Minnesota, relative to desecration of the flag; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 431: Mr. BECERRA.
H.R. 790: Mr. TRAFICANT and Mrs. JOHNSON of Connecticut.

H.R. 814: Mr. WHEAT, Mr. McINNIS, and Mr. WYDEN.

H.R. 967: Mr. FARR.
H.R. 1174: Mr. WOLF.
H.R. 1276: Mr. THOMAS of Wyoming.

H.R. 1304: Mr. MCHALE.
H.R. 1489: Mr. GUTIERREZ.
H.R. 1961: Mr. POMEROY and Ms. ENGLISH of Arizona.

H.R. 2467: Mr. BONIOR, Mr. EDWARDS of Texas, Mr. EHLERS, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. HAMILTON, Mr. MCCOLLUM, Mr. PALLONE, and Ms. PELOSI.

H.R. 2543: Mr. BONIOR.
H.R. 2720: Ms. FURSE, Mr. VENTO, Mr. GEJDENSON, Mrs. THURMAN, and Ms. SCHENK.

H.R. 2872: Mr. THOMAS of California and Mr. RAVENEL.

H.R. 2888: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. MENENDEZ, Mr. FILNER, Mr. LEWIS of Georgia, Mr. GORDON, Mr. SMITH of New Jersey, Mr. GEJDENSON, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. OWENS, Mr. DICKEY, Mr. WOLF, and Mrs. FOWLER.

H.R. 3088: Mr. GLICKMAN, Mr. POMEROY, and Mr. KLINK.

H.R. 3125: Mr. GEKAS.

H.R. 3288: Mr. KREIDLER and Mr. NUSSLE.

H.R. 3309: Mr. KILDEE, Mr. LIPINSKI, Mr. RUSH, Mr. EVANS, Mr. SCHAEFER, Mrs. UNSOELD, Mr. SKAGGS, and Mr. BONIOR.

H.R. 3386: Mr. CALLAHAN, Mr. COLLINS of Georgia, Mr. HAYES, Mr. DICKEY, Mr. SCHIFF, and Mr. RICHARDSON.

H.R. 3407: Mr. SUNDQUIST, Mr. PAYNE of Virginia, Mr. LIGHTFOOT, Mr. DORNAN, Mr. WATT, Mr. HUNTER, Mr. CALLAHAN, Mr. PETRI, and Mr. SMITH of New Jersey.

H.R. 3490: Mr. CRAPO, Mr. DARDEN, Mr. GLICKMAN, and Mr. SARPALIUS.

H.R. 3508: Mr. VENTO.

H.R. 3527: Mr. BORSKI and Mr. ENGEL.

H.R. 3658: Mr. CUNNINGHAM.

H.R. 3790: Mr. OBERSTAR.

H.R. 3810: Mr. SYNAR.

H.R. 3814: Mr. JOHNSON of South Dakota and Mr. GALLEGLY.

H.R. 3992: Mr. MCCANDLESS and Mr. THOMAS of Wyoming.

H.R. 4056: Mr. JOHNSON of South Dakota, Mr. KNOLLENBERG, Mr. HANCOCK, Mr. HOLDEN, Mr. DARDEN, Mr. HILLIARD, Mr. GRANDY, and Mr. WILSON.

H.R. 4089: Mr. LIPINSKI and Mr. MILLER of California.

H.R. 4091: Mr. FORD of Tennessee.

H.R. 4100: Mr. UPTON.

H.R. 4106: Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mrs. LLOYD, Mr. DEFAZIO, Mr. FROST, Mr. GUNDERSON, Mr. GEJDESON, Mr. STUPAK, and Mr. JEFFERSON.

H.R. 4142: Mr. SXTON.

H.R. 4146: Mrs. FOWLER.

H.R. 4189: Mr. PETE GEREN of Texas, Mr. EHLERS, and Mr. PENNY.

H.R. 4250: Mr. MINETA, Mr. OWENS, Mr. HILLIARD, Mr. DINGELL, and Mr. SHARP.

H.J. Res. 44: Mr. CANADY and Ms. SNOWE.

H.J. Res. 276: Mr. PETRI, Mr. PRICE of North Carolina, Mr. DEFAZIO, Mr. MATSUI, Mr. KLINK, Mr. SWETT, Mr. LEHMAN, and Mrs. THURMAN.

H.J. Res. 297: Mr. LANCASTER and Mr. VENTO.

H.J. Res. 302: Ms. SCHENK, Mr. SKELTON, Mr. SLATTERY, Mr. LEHMAN, Mr. BOUCHER, Mr. ROSE, Mr. POMEROY, Mr. CASTLE, Mr. MANTON, Mr. ORTON, Mr. KENNEDY, Mr. JOHNSON of Georgia, and Mr. MORAN.

H.J. Res. 303: Mr. CLYBURN, Mr. SCHAEFER, Mr. ROWLAND, Mr. LANCASTER, Mr. SMITH of Texas, Mr. BREWSTER, Mr. PORTER, and Mr. HOYER.

H.J. Res. 305: Mrs. MEYERS of Kansas, Mr. WALSH, Mr. KLEIN, Mr. LANTOS, Mr. UNDERWOOD, Mrs. JOHNSON of Connecticut, and Ms. WOOLSEY.

H.J. Res. 334: Mr. FOGLIETTA, Mr. HUGHES, Mrs. MALONEY, Mr. MANTON, Mrs. MEEK of Florida, Mr. NADLER, Mr. OWENS, Mr. QUILLLEN, Mr. REYNOLDS, Mr. STUDDS, and Mr. VENTO.

H.J. Res. 338: Mr. DUNCAN, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. TANNER, Mr. WILSON, Mr. SABO, Mr. KOPETSKI, and Mr. FROST.

H.J. Res. 342: Mr. BALLENGER, Ms. SNOWE, Mr. ANDREWS of New Jersey, Mr. SISISKY, Mr. MCINNIS, Mr. ROGERS, Mr. BURTON of Indi-

ana, Ms. PRYCE of Ohio, Mr. BAKER of California, Mr. ARCHER, Mr. HOYER, Mrs. MINK of Hawaii, Mr. SERRANO, Ms. DELAURO, Mr. BUNNING, and Mr. FALEOMAVAEGA.

H. Con. Res. 148: Mr. HOCHBRUECKNER, Mr. TALENT, Mr. TOWNS, and Mr. GIBBONS.

H. Con. Res. 202: Mr. CLYBURN and Ms. LONG.

H. Con. Res. 209: Mr. BARRETT of Wisconsin.

H. Con. Res. 212: Mr. DELLUMS, Mr. DURBIN, Mr. GONZALEZ, Mr. HUGHES, Mr. PASTOR, Ms. ROYBAL-ALLARD, and Mr. TORKILDSEN.

H. Con. Res. 234: Mr. ACKERMAN, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Mr. HUGHES, Mr. MCDERMOTT, Mr. MORAN, and Mrs. UNSOELD.

H. Res. 155: Mr. PICKETT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3221

By Mr. BEREUTER:

—Page 2, strike line 23 and all that follows through line 3 on page 3 and insert the following:

(d) PRIORITY CLAIMS.—Before deciding any other claim against the Government of Iraq, the United States Commission—

(1) shall decide all pending non-commercial claims of members of the United States Armed Forces and other individuals arising out of Iraq's invasion and occupation of Kuwait or out of the 1987 attack on the USS Stark; and

(2) then shall decide all pending claims based on obligations under a letter of credit opened by the Government of Iraq before August 2, 1990, for the benefit of a United States person if the property which is the subject of the transaction underlying the letter of credit was not in the possession or control of the exporter on or after August 2, 1990, and the documents required under the letter of credit were accepted by the advising bank, the paying bank, the reimbursing bank, or the issuing bank before August 2, 1990.

As used in paragraph (2), the term "United States person" includes any United States citizen or permanent resident alien or any juridical person organized under the laws of the United States or any jurisdiction within the United States, including foreign subsidiaries or branches of such juridical persons.

—Page 7, line 4, strike "2(d)" and insert "2(d)(1)".

—Page 7, after line 5, insert the following:

(3) For each claim that has priority under section 2(d)(2)—

(A) payment from time to time in ratable proportions on account of the unpaid balance of the principal amount of the award according to the proportions which the unpaid balance of such awards bear to the total amount in the appropriate claims fund that is available for distribution at the time such payments are made, and

(B) after payment has been made of the principal amount of all such awards, pro rata

payments on account of accrued interest on any such awards as bear interest,

except that the total amount paid with respect to such claims under this paragraph shall not exceed \$50,000,000.

—Page 7, line 6, strike "(3)" and insert "(4)"; line 13, strike "(4)" and insert "(5)"; and line 17, strike "(5)" and insert "(6)".

—Page 7, line 12, before the period insert " , except that payment shall not be made under this paragraph on account of any claim payable under paragraph (3)"; and line 16, before the period insert " , except that payment shall not be made under this paragraph on account of any claim payable under paragraph (3)".

H.R. 3221

By Mr. BONIOR:

—Page 12, after line 15, add the following:

SEC. 11. HUMANITARIAN ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) Saddam Hussein has been condemned by the international community for his unwillingness to take the steps necessary to provide for the basic humanitarian needs of the Iraqi people;

(2) dire shortages of food, medicine, and basic medical supplies (including insulin, anesthetics, and antibiotics) have resulted in a continuing humanitarian disaster in Iraq, including massive human suffering and the death of hundreds of thousands of innocent Iraqi civilians during the past 4 years;

(3) this humanitarian tragedy is occurring throughout Iraq;

(4) the United States has a long history of providing humanitarian assistance to alleviate human suffering in many parts of the world; and

(5) the United States Agency for International Development has the authority under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) and other provisions of law to provide assistance to address humanitarian needs throughout Iraq.

(b) STATEMENT OF CONGRESSIONAL POLICY.—It is the sense of the Congress that—

(1) the United States should immediately provide additional humanitarian assistance, particularly medicine and medical supplies, to alleviate the humanitarian disaster throughout Iraq;

(2) such assistance should be provided through independent nongovernmental organizations and through international organizations so that this desperately needed assistance can reach all areas of need, in particular those outside the United Nations protected areas; and

(3) the costs of such assistance should be reimbursed from any available Iraqi resources, including the Iraqi assets that have been blocked pursuant the International Emergency Economic Powers Act so long as such reimbursement does not reduce the amount paid on those priority claims of members of the United States Armed Forces and others described in section 2(d) of this Act and does not delay payment on those claims.